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**JOURNAL**  
**OF**  
**THE COUNCIL.**

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**1840--1841.**

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**JOURNAL**  
  
OF  
  
**THE COUNCIL,**  
  
OF THE  
  
**LEGISLATIVE ASSEMBLY OF WISCONSIN;**

BEGUN AND HELD AT MADISON, THE SEAT OF  
GOVERNMENT, ON MONDAY, THE SEVENTH  
DAY OF DECEMBER, IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT  
HUNDRED AND FORTY.

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# **JOURNAL**

OF

# **THE COUNCIL.**

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## **LEGISLATIVE ASSEMBLY OF WISCONSIN TERRITORY :**

Begun and held at Madison, the Seat of Government, on Monday the seventh day of December, in the year of our Lord one thousand eight hundred and forty, pursuant to an act of the Congress of the United States, approved 20th of April, 1836, entitled "an act establishing the Territorial Government of Wisconsin."

On which day, being that fixed by law for the regular session of the Legislative Assembly, the following members appeared, and took their seats, viz :

*From the (original) county of Brown*—Mr. Charles C. P. Arndt.

*From the county of Racine*—Messrs. William Bullen and Lorenzo Janes.

*From the counties of Walworth and Rock*—Mr. James Maxwell.

*From the counties of Green, Dane, Jefferson and Dodge--Mr. Ebenezer Brigham.*

*From the county of Iowa--Mr. Levi Sterling.*

*From the county of Grant--Messrs. John H. Rountree and James R. Vineyard.*

*From the (original) county of Crawford--Mr. Charles J. Learned.*

On motion of Mr. Janes,  
Mr. Rountree was appointed President, *pro tempore*.

On motion of Mr. Bullen,  
George Beatty was appointed Secretary, *pro tem*.

On motion of Mr. Janes,  
Gilbert Knapp was appointed Sergeant-at-Arms, *pro tem*.

On motion of Mr. Sterling,  
James Conner was appointed Doorkeeper, *pro tem*.

On motion of Mr. Brigham,  
Tunis Slingerland was appointed messenger, *pro tem*.

Mr. Bullen presented the certificate of election of Don A. J. Upham, Esq., from the counties of Milwaukee and Washington, and moved that he be admitted to a seat.

The motion was agreed to.

Mr. Brigham presented the certificate of election of Jonathan E. Arnold, Esq., from the counties of Milwaukee and Washington, and moved that he be admitted to a seat.

The motion was agreed to.

On motion it was ordered that the oath of office be administered to the members whose certificates had just been presented, by the President, *pro tem*.

The members elect thereupon appeared at the President's desk, and the oath of office was administered to them.

On motion of Mr. Janes,  
*Ordered, That the Secretary inform the House of Represen-*

tives that the Council have now organized, *pro tempore*, and are ready to proceed to business.

The following message from the House of Representatives was received by the clerk thereof, viz :

“ Mr. President—I am directed to inform the Council that the House of Representatives are now in organization *pro tem.*, and ready to proceed to business.”

On motion of Mr. Janes,

*Resolved*, That a committee of two be appointed to act in conjunction with a similar committee to be appointed by the House of Representatives, to wait upon His Excellency, the Governor, and to inform him that the two Houses have organized *pro tempore*, and are ready to receive any communication he may wish to make to them.

Messrs. Janes and Arndt were appointed the committee.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Janes,

*Ordered*, That the standing rules of the last session of the Council, be adopted for the government of the Council until otherwise ordered.

The following message was received from the House of Representatives by the clerk thereof, viz :

“ Mr. President—I am directed to inform the Council that Messrs. Brunson and Rockwell have been appointed a committee, on the part of the House of Representatives, to act in conjunction with the committee appointed by the Council to wait upon His Excellency, the Governor, and inform him that the two Houses have organized, *pro tempore*, and are ready to receive any communication he may wish to make them.”

Mr. Janes from the committee appointed to wait upon the Governor, reported that the committee had performed the duty assigned them, and that the Governor had replied to them that



he would meet the two Houses on to-morrow at 12 o'clock, M., in the Representatives' Hall, and make an address to them.

On motion of Mr. Sterling, the Council adjourned until 11 o'clock, A. M., on to-morrow.

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*Tuesday, December 8, 1840.*

Mr. James Collins from the county of Iowa, appeared and took his seat.

On motion of Mr. Sterling,

*Resolved*, That the Secretary of the Council furnish a list of the names of members of the Council to the Post Master at this place, and that the postage on all letters be paid out of the moneys appropriated to defray the expenses of the Legislative Assembly.

Mr. James offered the following :

*Resolved*, That each member of the Council be authorized to order for his own use at the expense of the Territory, during the session, any number of newspapers published in this Territory, not exceeding twenty in each week.

Mr. Collins moved to amend the same by striking out "twenty" and inserting "fifty" in place thereof.

The motion was disagreed to.

Mr. Arndt then moved to strike out "twenty" and insert "forty."

This motion was also disagreed to.

On motion of Mr. Brigham, the resolution was laid upon the table.

On motion of Mr. Arndt,

*Resolved*, That the editors of the several newspapers in the Territory, be allowed the privilege of having reporters within the bar of the Council.

On motion of Mr. Bullen,

*Ordered*, That so much of the 42nd of the standing rules as prescribes that the several officers of the Council be elected by ballot, be suspended, and that the Council do now proceed to the election thereof by appointment.

Mr. Sterling thereupon nominated George Beatty for the office of Secretary.

Mr. Arnold nominated David Finley for the office of Assistant Secretary.

Mr. Arndt nominated Miles M. Vineyard for the office of Sergeant-at-arms

Mr. Learned nominated Charles Heckman for the office of Doorkeeper.

Mr. Vineyard nominated Volney A. McCracken for the office of Assistant Doorkeeper.

Mr. Vineyard nominated George Coates for the office of Messenger.

Mr. Bullen nominated George Bennet for the office of Transcribing Clerk.

Mr. Arnold nominated William A. Rice for the office of Transcribing Clerk.

Mr. Arndt nominated T. Charles Morgan for the office of Transcribing Clerk.

The nominations were severally agreed to.

On motion of Mr. Sterling, the several officers appointed were called to the Secretary's desk, when the oath of office was administered to them by the President, *pro tem*.

On motion of Mr. Sterling,

*Ordered*, That the Council do now proceed to the election of a President.

Messrs. Collins and Bullen were appointed tellers.

And the votes being taken and counted by the tellers appointed for that purpose, it appeared that Mr. Rountree had received

six votes, Mr. Maxwell three votes, Mr. Bullen two votes, and Mr. Arnold one vote.

Neither of the persons voted for having a majority of the votes given, it was declared by the President that no election had been made.

On motion of Mr. Vineyard,

*Ordered*, That the Council do now proceed to a second ballot.

And the votes being again taken and counted by the tellers, it appeared that Mr. Maxwell had received four votes, Mr. Rountree four votes, Mr. Arnold two votes, Mr. Bullen one vote, and one blank.

Neither of the persons voted for having a majority of the votes given, it was declared that no election had been made.

On motion of Mr. Bullen,

*Ordered*, That the further balloting for a President be postponed for the present.

The following message was received from the House of Representatives by the clerk thereof.

"Mr. President—I am directed to inform you, that seats have been prepared in the Representatives' Hall, for the Governor and Council, preparatory to the reception of the Governor's Message; and that the Hon. David Newland, of Iowa, has been elected Speaker of the House of Representatives."

On motion of Mr. Bullen,

*Ordered*, That the Council do now proceed to the Hall of the House of Representatives, to hear the address of the Governor.

The members of the Council thereupon repaired to the House of Representatives for that purpose; when the Governor delivered the following address, viz:

*Fellow Citizens of the Council*

*and House of Representatives:*

In taking a retrospect of the past year, our most devout gratitude is called into lively exercise to the Almighty disposer of



all good, for the very abundant harvests with which he has been pleased to reward the husbandman ; our citizens are developing the great agricultural resources of this Territory : the teeming earth has brought forth in great profusion, all the products of the soil usually cultivated ; our climate is of the most genial and salubrious character : with a population, intelligent, industrious and enterprising ; our march must be onward and the time is not far distant when Wisconsin will form one of the most wealthy and populous states of this Union.

As the members of the House of Representatives have been recently elected by the people, it is presumed they will bring with them a knowledge of the wants of their constituents, to enable them with the Council, to enact such laws as are suited to their condition ; and you may rely on my co-operation in support of such measures as have for their object the good of our constituents.

At the last annual session of the Legislative Assembly, I submitted to your consideration, and you recommended, by your resolution to the qualified electors, at the late elections for members of the House of Representatives, to determine by their own votes cast at that time ; whether they were for or against the organization of a State Government. I am not advised that there has been any action on the part of the people of the Territory on that subject. From the recent census returns made by the United States Marshal, it appears that Wisconsin has a population of more than thirty thousand people, and it is submitted to the Representatives of the people, whether any further action should be taken at present preparatory to the formation of a State Government.

In my message to the Legislative Assembly of 1838, I recommended the propriety of memorializing Congress, asking them to amend the organic law of this Territory, so that the Council may be composed of members elected every second year,

and the House of Representatives to be composed of members elected annually. This subject has received no definite action on the part of Congress. I would again respectfully recommend your memorializing Congress on that subject at the present session. From the recent returns made by the United States Marshal of the census of the inhabitants, it appears that the population has increased since 1838, more than twelve thousand, and has no representation in the Council. Taxation and representation should go together, and every qualified elector should be entitled, by law, to his voice in the selection of those who represent his interests in the Legislative Assembly. In the most populous county in this Territory there was an understanding between the electors and their candidates for the Council and House of Representatives, that they were to serve, if elected for the term of two years in the Council, and one year in the House Representatives. The 7th section of the organic law of this Territory prescribes, "that all township officers, and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of the courts, shall be elected by the people, in such manner as may be prescribed by the Governor and Legislative Assembly. The Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint all judicial officers, justices of the peace, sheriffs, and all militia officers not herein provided for." I would respectfully recommend to the Legislative Assembly to memorialize Congress, asking them to so amend the organic law of this Territory, as to permit the qualified electors in each county to elect all their county officers, civil and military, which are now nominated by the Governor and Legislative Assembly. The appointment of county officers is now made by the Executive on the recommendation of the members of the Legislative Assembly representing the different counties. It would be more satisfactory to the people to elect all their county officers; and it

would be more in accordance with the spirit of our republican institutions. I have always believed the people competent to govern themselves. The organic law creating the Territory of Iowa, has been so amended by Congress as to permit the qualified electors in that Territory to elect all their county officers, and no good reason can be assigned why Congress should not grant to the people of Wisconsin all the rights and privileges extended to the people of Iowa. At the late session of the Legislative Assembly, I deemed it an act of duty to submit the following communication on the subject of the Bank of Mineral Point: "It is submitted to your consideration whether it would not be advisable to appoint commissioners by law to examine the state and condition of the Bank of Mineral Point at such times as they may deem the interests of the people to require it, and to make their reports at the commencement of each session of the Legislative Assembly. If the Bank acts in conformity with the provisions of her charter, she will be interested in letting that fact be known to the public; And if she violates her provisions, the interests of the community require that legal steps should be taken to arrest a state of things so injurious to the best interests of the people." My views as submitted on the occasion referred to are not changed. The 21st section of the act to incorporate the stockholders of the Bank of Mineral Point reads as follows: "Be it enacted that if the Legislative Assembly of this Territory or the Legislative authorities which may hereafter exist in any State to be erected in this Territory in which said Bank may be located, shall deem it fit and expedient for the better regulating of a banking operation to require the deposits in a general safety fund, from this and other banks, hereafter to be enacted with the view to the adoption of a general system in said Territory similar to that now in operation in the State of New York, and known as the Safety Fund System, that then and in that case the charter shall be subject so far to be amended, as to



make it conform to such a safety fund system and no further."

The New York safety fund system consists of two parts ; one is to set apart a certain portion of its profits for the redemption of its bills, and this is called the fund : the other part is that which provides for the appointment of bank commissioners. From the wording of the section of the law referred to, it would clearly warrant the action of the Legislative Assembly on this subject.

The Bank of Mineral Point has issued what is denominated post notes, or notes payable at a future day ; this is a violation of all judicious banking ; it is certainly a dangerous power to be exercised by any banking institution. The time of redeeming her notes might be extended to twelve or eighteen months as well as for three or four months ; if a bank is permitted to leave her legitimate business and enter the field of speculation by dealing in the staple commodity of the country, her capital will always enable her to prostrate individual enterprise, to the great injury of the people. Banks are created for the benefit of the people, and should be confined to the legitimate purposes for which they were chartered ; the principle of banking on a large or small capital is precisely the same ; the greatest gain at the least expense is the ruling motive of action in both, and sways with the same power the bank with one hundred thousand dollars capital in a country town, as one of millions in a great commercial metropolis : the whole difference consists in the influence and power of their respective institutions.

Among the subjects of much importance to the people, there is one to which I would respectfully call your attention. That is the creating corporations and granting charters. Corporations are of two classes—those established for public purposes, and those for purposes of a private nature ; the first class consists of those for religious purposes, as churches—for the promotion

of the arts and sciences, as colleges, academies, &c., and for all purposes of public utility to the attainment of which individual means and exertions are inadequate, under proper and judicious regulations subjecting them to the control of the Legislative Assembly, should be encouraged and sustained. The other class, embracing those of a private nature, ought in my opinion, to be increased in number, Charters for mining companies, ferries, and for other purposes, have been granted to all who have heretofore applied for them. A few persons collectively have been invested with corporate privileges for a length of time beyond the lives of the present generation securing to themselves powers and immunities denied to the rest of the community, creating monopolies not only to rival but to put down individual enterprise.

By the first section of an act to provide for aiding in the construction of the Milwaukee and Rock River Canal, "approved February 26, 1839," the Government was authorized to borrow fifty thousand dollars; accordingly bonds were issued to that amount, on the 12th of March last, executed by me in the name of the Territory, and under the authority of the act of Congress, for one thousand dollars each, bearing an interest of six per centum per annum, and payable twenty years thereafter; and in conformity of the twentieth section of the act first referred to above, Byron Kilbourn, Esquire, was appointed the agent of the Territory to make sale of said bonds, and the Bank of America in the city of New York, designated as the depository of the funds arising therefrom in the event of a sale. I have not been officially advised by the agent appointed on the part of the Territory, that he has negotiated a loan for the amount authorized by law, or any part thereof. In accordance with the provisions of "an act to amend an act to provide for aiding in the construction of the Milwaukee and Rock River Canal," approved January 11, 1840, it is made the duty of the canal commis-

sisters in case a loan should not be effected on or before the first day of September, 1840, to apply all moneys on hand belonging to the canal funds for the construction of the canal; the register and receiver of the canal made their reports of receipts and expenditures, dated on the third of September last; the receiver had previously made his report of his receipts and expenditures from November 1, 1839, to August 5, 1840; these reports are submitted for the information of the Legislative Assembly.

I would again respectfully recommend the memorializing Congress, asking them to extend the right of pre-emption to the settlers on the even sections of land reserved by Congress, by the third section of the act making appropriation for the Milwaukee and Rock River Canal; I will submit my views on this subject as expressed on a former occasion: "I deem it an act of justice to the settlers on the line of the contemplated canal, that they should be placed on the same ground they would have occupied had they not been located within the limits of the canal lands, and that the right of pre-emption should be granted them at the minimum price of the public lands; when they made their settlements they no doubt believed they would participate, in common with their fellow-citizens, in purchasing their homes at the Government price; they have had, in common with the other settlers on the public lands, to encounter a series of harassing difficulties, incident to the formation of new settlements; they have by their energy and industry enhanced the value of the lands of the United States in the immediate vicinity of the contemplated canal route, and are entitled, upon principles of justice as well as the usage of the Government, to the favorable consideration of Congress. It has been the policy of the Government to extend every possible indulgence heretofore to occupants of the national domain; this policy is wise and just; the Government lands should be sold to settlers alone, graduating

tutions of our country, the desert itself in a few years would become a fruitful field, and where the unsubdued forest now stands we would have a free, enterprising population. Large tracts of country in this Territory have been purchased by individual speculators or by companies that permit them to lay waste until they will command the highest prices, thereby retarding the settlement of the Territory; the true value of the soil can only be explored by labor, and the public lands should cease to be an object of speculation when they are so much required for agricultural purposes.

In conformity to a resolution of the Legislative Assembly authorising the appointment of commissioners in the several land districts for the location of the university lands granted by Congress, at an early period after the adjournment of the last annual session, I appointed three commissioners to make the location: the commissioner from the Green Bay land district made his report on the 17th of April last, which was submitted by me to the Secretary of the Treasury under the provisions of an act of Congress, approved June 12, 1835. By a communication received from the Commissioner of the General Land Office, it appears that the locations, as far as they have been made, of the university lands have been approved by the Treasury Department, and the land officers at Green Bay have been furnished with a list of the selected tracts, and have been instructed to withhold them from sale or entry; the number of acres selected from that land district is 10,248. No reports have been received from the commissioners appointed in the Milwaukee and Wisconsin land districts: it is deemed important that the selections of the university lands should be made at an early day in order that good selections may be made; it is to be expected that the choice lands will be entered in the different land their price according to their value; we would then have a population, owners of the soil, attached to the republican insti-

districts, and the selections of these lands may have to be made from the refuse tracts if the locations are deferred.

I would respectfully invite the attention of the Legislative Assembly, to the propriety of appointing by law a Territorial Geologist ; much good I think might result from the appointment of a competent individual to that office, throughout the Territory, and particularly in the mining region of country ; the result of his examinations, reported to the Legislative Assembly annually, and published, would tend to circulate throughout the Union a knowledge of the great natural advantages and resources of Wisconsin, and would embrace the discoveries of lead ore which have been made in the mining region, the location of these discoveries, the peculiar formation of the strata above, below, and in which lead or copper ore is found ; and as the information would accumulate, from those examinations they would be extended, the knowledge of the miner would be increased and his labors meet with a sure reward.

I have heretofore in my messages expressed my views fully as to the justice and propriety of asking appropriations from Congress for the improvement of the navigation of Rock river : this river may be made the great connecting link in the chain of water communication between the waters of the Mississippi and those of Lake Michigan by the contemplated canal, a work I deem of the first importance, and must have been considered so by Congress, from the liberal appropriations made by that body in land to aid in its completion : and no good reason can be assigned why Congress should not be equally liberal in granting donations in land for the improvement of the navigation of the Wisconsin and Fox rivers, and uniting the waters of those rivers by a short canal at the Portage, as well as for the improvement of the Pecatonica and Platte rivers ; small appropriations by Congress in lands would produce the most beneficial results on the future growth and prosperity of the Territory ; besides

the lands would be greatly enhanced in value on the different rivers improved.

Memorials asking appropriations from Congress for the construction of harbors on the shores of Lake Michigan, have been forwarded by the Legislative Assembly annually since the organization of the Territorial Government. I respectfully recommend your early action, (as the present is a short session of Congress) on this important subject. I will submit my views at this time in relation to harbors as expressed on a former occasion: "The reports of the engineer employed to make the necessary surveys for this purpose, embrace such accurate topographical information, as to enable Congress to determine the points best fitted for such improvements, and the amount of the appropriations necessary for the execution of the work; a due regard should be had in the selection of the points to the commercial facilities required at each, and the growth of the surrounding country; within a short period of time, more than a million of dollars have been received into the land office at Milwaukee from the sales of the public lands; from this fact, and of that of the very small appropriations made by Congress for harbors or other improvements on our lake border, who can fail to observe the great inequality which prevails in the distribution of Government favors; for the protection of commerce on our seaboard, millions are expended in the erection of breakwaters, &c., while for want of harbors on this lake, vessels are compelled to encounter the severest gales during the autumnal season, with little expectation of being able to outride the storm; and it is a well established fact, that the commercial trade of Lake Michigan has increased in a ratio far exceeding that of any other of the waters of the United States: the settled policy of the Government too, heretofore, has been to afford every facility to its commerce by diminishing as much as possible the dangers of navigation, and the enterprising citizens who have



emigrated to our lake border, have a reasonable right to expect that the same facilities will be extended to them which have been afforded to other portions of the Union."

Memorials have been annually forwarded to Congress from the Legislative Assembly, since the organization of the Territorial Government, calling their attention to the justice and propriety of granting the miners pre-emption rights to the mineral lots, where they were held by discovery or purchase under a permission of the superintendent of the United States lead mines. That the miners have strong claims on the justice and liberality of Congress, is apparent to all just and reasonable men; they settled the mining region by the express invitation of the Government; they have had, in peace and in war, to encounter all the difficulties and troubles incident to the settlement of new countries, and by their industry, enterprise and bravery, have been the means of exploring and testing the advantages of the most valuable mineral region in the United States. I would respectfully recommend your early action on this subject, as well as to the propriety of asking Congress to extend the right of pre-emption to actual settlers, who are located on reservations made by the superintendent of the United States lead mines for smelting purposes, as well as the actual settlers on lands located for the half-breed Winnebagoes under the treaty of 1829, which claim has been located under the instructions of the Government.

In answer to a resolution of the Legislative Assembly, calling on the Secretary of the Treasury for a statement of the amounts of monies appropriated by Congress for the use of the Territory since its organization, I have received the statement required, certified by the Register of the Treasury, which is submitted for your information.

The Indians on our extended frontier appear peaceably disposed. The Winnebagoes were removed to the west bank

of the Mississippi in June last. I discover, however, a great unwillingness on their part to occupy their country, generally called the neutral country; they appear to entertain a dread from the attacks of the Sac and Fox Indians, and it will require a strong mounted force to keep the Winnebagoes from returning to the east side of the Mississippi to the country north of the Wisconsin river. At a talk recently held at Mineral Point with some of the Portage chiefs, they expressed a great desire to be permitted not to leave the Mississippi, for fear as they stated of an attack from their enemies, the Sacs and Foxes. I have no doubt many of the Portage Indians will return to their old haunts north of the Wisconsin, and will have to be removed again next spring. There is one company of United States dragoons stationed at Fort Crawford for the purpose of collecting and forming an escort for the removal of the Winnebagoes west. I have no doubt that every thing that can be done, will be done by Gen. Brooke, commanding officer at Fort Crawford, with the disposable force under his command, to keep the Winnebagoes within the limits of their country west of the Mississippi, and to restrain them from committing depredations on the property of the border settlers.

I submit for the information of the Legislative Assembly, the satisfactory reports of the Adjutant General, showing the present state of the organization of the militia of the Territory, as well as the suggestions made in the report as to the changes in the present laws for the government of the militia, which I recommend to your favorable consideration.

In conclusion, fellow citizens, I trust a spirit of harmony will govern your intercourse in your legislative duties, and that nothing will arise to prevent that union of feeling and concert of action so necessary to advance the happiness and prosperity of the people of Wisconsin; and I supplicate the Supreme Ruler of the Universe so to direct your deliberations that they may conduce to these desirable results.

The address having been delivered, the Council resumed its session ; when

On motion of Mr. Janes,

*Ordered*, That five hundred copies of the address and accompanying documents be printed for the use of the Council.

On motion of Mr. Arndt, the Council adjourned until two o'clock, P. M.

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*Two O'clock, P. M.*

On motion of Mr. Sterling,

*Resolved*, That W. W. Wyman, Editor of the Madison Express, be employed to do the incidental printing of the Council.

On motion of Mr. Janes,

*Ordered*, That the Council do now proceed to a third ballot for President.

Messrs. Brigham and Learned were appointed tellers.

And the votes being taken and counted by the tellers appointed for that purpose, it appeared that Mr. Maxwell had received seven votes, Mr. Rountree three votes, and Mr. Learned two votes.

Mr. Maxwell, having received a majority of all the votes given, was declared to be duly elected.

Messrs. Arndt and Bullen were appointed to conduct the President elect to the Chair ; from whence he returned his acknowledgments to the Council as follows :

*Gentlemen of the Council* :—In the selection you have made of a presiding officer for the present session, you have conferred upon me an honor, for which I return you my most grateful acknowledgements.

It is an unexpected honor, and one I could not think of accepting, but for the assurance I feel that I shall have your united assistance in the discharge of the duties incumbent on me; duties, to me at once new and arduous, and which I can scarcely hope to discharge without committing many, and, I fear, very many errors, for which I must claim your kind indulgence.

In the discharge of the duties, Gentlemen, for which you are convened, I trust that harmony and the most kindly feeling will prevail, and that, in all your deliberations, you will be guided by that liberality and disinterested policy which gives tone and character abroad, and which, at home, can alone crown legislative labors with honorable success. Much of the future welfare of this Territory may depend on the wisdom by which your deliberations are directed. The prompt and efficient discharge of your duties, and the faithful execution of the trust confided to your care, is a labor fraught with much responsibility, and will, I have no doubt, elicit your best energies.

Permit me, Gentlemen, to suggest that, in all your intercourse with our worthy Executive, as well as the other branch of the Legislature, you cultivate the most amicable relations; and if there should be any difference, let it be an honest difference of opinion, in the adjustment of which you will extend toward them your usual courtesy and liberality.

Finally; Gentlemen, I accept the proffered honor; and, if rectitude of intention and the most untiring industry to serve you, faithfully and impartially, constitute merit, I shall not wholly disappoint the confidence you have so generously reposed in me.

On motion of Mr. Bullen, the Council adjourned.

*Wednesday, December 9, 1840.*

Mr. Martin, from the county of Brown appeared and took his seat.

Mr. Bullen presented the petition of the inhabitants of Racine county for a change in the present manner of the county government.

Mr. Arndt presented the remonstrance of citizens of the county of Brown against the organization of the county of Winnebago.

The petition and remonstrance were read and laid on the table.

Mr. James gave notice that he would at some future day ask leave to introduce bills, as follows:

A Bill relating to Sheriffs;

A bill changing the boundary lines of certain counties;

A bill supplemental to the act concerning testimony and depositions; and

A bill concerning wages.

Mr. Collins gave notice that he would at some future day ask leave to introduce a bill designating the number of officers of the Legislative Assembly, and fixing their compensations.

Mr. Arndt gave notice that he would at some future day ask leave to introduce a bill to amend an act for assessing and collecting county revenue.

Mr. Upham gave notice that he would at some future day ask leave to introduce a bill for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson.

On motion of Mr. Arndt,

*Resolved*, That the Standing Rules of the Council be referred

to a committee of three, for revision; and that they be required to report what amendments, if any, are necessary.

Messrs. Arndt, Upham, and Rountree were appointed the committee.

The President announced the appointment of the Standing Committees, as follows;—

*On Territorial Affairs*—Messrs. Sterling, Martin, and Brigham.

*On Internal Improvement*—Messrs. Arnold, Sterling, and Rountree.

*On the Judiciary*—Messrs. Martin, Learned, and Arnold.

*On Claims*—Messrs. Janes, Vineyard, and Arnold.

*On Finance*—Messrs. Vineyard, Collins, and Martin.

*On Public Expenditures*—Messrs. Bullen, Vineyard, and Sterling.

*On the Militia*—Messrs. Collins, Rountree, and Janes.

*On Schools*—Messrs. Rountree, Upham, and Learned.

*On Incorporations*—Messrs. Upham, Collins, and Brigham.

*On Territorial Roads*—Messrs. Brigham, Bullen, and Arndt.

*On Engrossed Bills*—Messrs. Arndt, Upham, and Bullen.

*On Enrolment (joint)*—Messrs. Learned, and Janes.

*On motion of Mr. Bullen;*

*Resolved*, 1st, That so much of the Governor's address, as relates to the formation of a State Government, be referred to the committee on Territorial Affairs;

2nd, That so much as relates to memorializing Congress to amend the organic law of the Territory be referred to a select committee.

3rd, That so much as relates to the Bank of Mineral Point, and the subject of corporations be referred to the committee on incorporations.

4th, That so much as relates to the Rock River Canal be referred to a select committee.



5th, That so much as relates to memorializing Congress for appropriations for harbors, and improvement of rivers, be referred to the committee on internal improvements.

6th, That so much as relates to pre-emptions to mineral lots and reservations be referred to a select committee;

7th, That so much as relates to the organization of the militia, together with the accompanying reports of the Adjutant General, be referred to the committee on the militia; and

8th, That so much as relates to the appointment of a Territorial Geologist be referred to a select committee.

On motion of Mr. Jones, the Council adjourned.

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*Thursday, December 10, 1840.*

The President laid before the Council the annual report of the directors of the Milwaukee and Rock River Canal Company;

Which was read and laid on the table.

The following message from the House of Representatives was received by the Clerk thereof, viz:—

“Mr. President,—The House of Representatives have appointed Messrs. Barber, Shepherd and Rockwell, a committee on their part, to act in conjunction with such committee as may be appointed on the part of this House, to report joint rules and orders for the government of the two Houses during their present session.

On motion of Mr. Arnold,

Ordered, That two hundred and fifty copies of the report of the directors of the Milwaukee and Rock River Canal Company be printed for the use of the Council.

On motion of Mr. Collins,

*Resolved*, That a committee of three be appointed to act in conjunction with a similar committee appointed on the part of the House of Representatives to report joint rules and orders for the government of the Legislative Assembly during its present session.

Messrs. Collins, Bullen and Upham were appointed the committee under the foregoing resolution.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Sterling,

*Resolved*, That a select committee of three be appointed, whose duty it shall be to inquire into the expediency of memorializing Congress relative to the duty on imported lead.

Messrs. Sterling, Martin, and Bullen, were appointed the committee under the foregoing resolution.

Mr. Arndt offered the following :—

*Resolved*, That the Librarian be instructed to furnish each member of the Council, annually, a copy of the American Almanac.

Which was determined in the affirmative,—ayes 8, noes, 5.

And the ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Janes, Martin, Rountree, Sterling and Vineyard.

Those who voted in the negative, are Messrs. Bullen, Collins, Learned, Upham, and Maxwell (President.)

On motion of Mr. Bullen,

*Resolved*, That the petition of the citizens of Racine County, relative to the change of the present systems of town and county government, be referred to a select committee of three members, with authority to report by bill or otherwise.

Messrs. Janes, Arnold, and Arndt were appointed the committee under the foregoing resolution.

On motion of Mr. Arndt,

*Resolved*, that the remonstrance of the citizens of Brown county against the organization of the county of Winnebago, presented yesterday, be referred to the committee on Territorial Affairs.

Mr. Rountree, from the committee appointed at the last session of the Council "to investigate the state and condition of the Mineral Point Bank," made report.

Which was read, and laid on the table.

Mr. Arndt, from the select committee to which were referred the standing rules of the Council for revision, made report thereon.

Which was read and laid on the table.

Mr. Janes, in accordance with notice given, obtained leave to introduce bills, as follows :—

No 1. A bill relating to Sheriffs.

No. 2. A bill changing the boundary lines of certain counties.

No. 3. A bill concerning betting.

Which were severally read the first and second times and ordered to be laid on the table to be printed.

The following message was received from the house of Representatives by the clerk thereof, viz :—

"MR. PRESIDENT—The House of Representatives have passed a resolution concerning the election of Chaplains, in which I am directed to ask the concurrence of this House."

On motion of Mr. Janes the resolution offered by him on the 8th inst. was taken up, viz :—

*Resolved*, That each member of the Council be authorized to order for his own use at the expense of the Territory during the session any number of newspapers published in this Territory not exceeding twenty in each week.

And the question being on the adoption thereof,

Mr. Arndt moved to amend the same, by striking out "twenty" and inserting "forty nine"

Mr. Martin moved to amend the amendment, by inserting "sixty" in the place of "forty nine."

The amendment to the amendment was disagreed to—ayes 6, noes 7.

And the ayes and noes having been called for,

Those who voted in the affirmative are Messrs. Arndt, Collins, Martin, Sterling, Upham and Vineyard.

Those who voted in the negative are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Rountree and Maxwell (President.)

Mr. Martin then moved to amend the amendment by inserting "fifty-two" in place of "forty-nine."

The amendment to the amendment was agreed to—ayes 7, noes 6.

And the ayes and noes having been called for,

Those who voted in the affirmative are Messrs. Arndt, Collins, Martin, Sterling, Upham, Vineyard, and Maxwell, (President.)

Those who voted in the negative are Messrs. Arnold, Brigham, Bullen, Janes, Learned and Rountree.

The question then recurred on the amendment of Mr. Arndt, as amended, which was agreed to, and the resolution as amended was adopted.

On motion of Mr. Arndt the report of the select committee, appointed to revise the standing rules, was taken up, and the question being on the adoption thereof,

Mr. Martin moved to amend the last amendment proposed by the committee, which reads as follows:—"No more than three bills, originating in the Council, shall be committed to the same committee of the whole; and such bills shall be analogous in their nature, which analogy shall be determined by the President,"—so as to read,—"*Not more than one bill, originating in the Council,*

*shall be committed to the same committee of the whole, unless such bills shall be analogous in their nature, which analogy shall be determined by the President."*

Which motion was lost.

The report of the committee was then adopted.

On motion of Mr. Arndt,

*Ordered*, That one hundred copies of the standing rules, as amended, be printed for the use of the Council.

The President announced the appointment of the several select committees to whom portions of the Governor's address were referred, viz :

*So much as relates to the memorializing Congress to amend the organic law of the Territory*—Messrs. Martin, Upham and Bullen;

*So much as relates to Rock river canal*—Messrs. Arnold, Learned and Arndt ;

*So much as relates to pre-emptions to mineral lots and reservations*—Messrs. Rountree, Collins and Brigham ;

*So much as relates to the appointment of a Territorial Geologist*—Messrs. Janes, Vineyard and Sterling.

On Motion of Mr. Sterling the Council adjourned.

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*Friday, December 11, 1840.*

Mr. Arnold presented a petition from inhabitants of Milwaukee county, requesting the Legislative Assembly to memorialize Congress to confirm the title to certain lots of land in said county ; and moved its reference to a select committee ;

Which was agreed to, and Messrs. Arnold, Bullen and Martin were appointed the committee.

Mr. Bullen gave notice that he would, on some future day, ask leave to introduce a bill creating a Board of Education,

and the office of Superintendent of Public Instruction; and prescribing their duties.

Mr. Collins from the joint committee to which the subject was referred, made the following report:—The committee on the part of the Council, appointed to act in conjunction with a similar committee appointed by the House of Representatives, to report joint rules and orders for the government of the Legislative Assembly, during its present session, have directed me to report, that the committee recommend the adoption of the joint rules of the last annual session, with the following amendments, to wit: Strike out the last two rules, and add the following as the xiv. rule, viz:

“Whenever any report of a joint committee, or other document, shall be presented to both Houses of the Legislative Assembly, the House first acting on the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.”

Which was read and adopted.

On motion of Mr. Collins,

*Ordered*, That the joint rules and orders, as adopted by the Council, together with the standing committees, and the select committees to which were referred portions of the Governor's address be printed in the same pamphlet form with the standing rules.

Mr. Janes, in accordance to notice given, obtained leave to introduce bill

No. 4. A bill supplemental to the act concerning testimony and depositions,

Mr. Arndt, in accordance with notice given, obtained leave to introduce bill

No. 5. A bill to amend an act, entitled an act for assessing and collecting county revenue.



Which bills were severally read the first and second time, and ordered to be laid on the table to be printed.

On motion of Mr. Collins, the report of the committee appointed to investigate the state and condition of the Mineral Point Bank, was taken up; and the accompanying documents having been read,

*Ordered*, That 1200 copies of the report and documents be printed.

On motion of Mr. Martin,

*Resolved*, That the Committee on Territorial Affairs enquire what provision if any, is necessary to be made, for furnishing at the seat of government or elsewhere, suitable buildings in which may be held the sessions of the Legislative Assembly, and the offices of the Governor, Secretary, Auditor, Treasurer, and other public officers of said Territory.

On motion of Mr. Arnold,

*Ordered*, That the report of the Directors of the Milwaukee and Rock River Canal Company, be referred to the select committee to whom was referred that portion of the Governor's message upon the subject.

The resolution from the House of Representatives, entitled "A resolution concerning the election of Chaplains," was taken up and read a first and second time; and

On motion of Mr. Bullen,

The Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of the said resolution. After some time the committee rose, and, by their chairman, reported the resolution with an amendment.

The amendment was concurred in, and the resolution ordered to a third reading.

On motion of Mr. Arndt.

*Ordered*, That so much of rule 27, as requires that resolutions be read the second and third times on different days, be

suspended, in order that this resolution may be read the third time now.

The resolution was thereupon read the third time, passed, and the title agreed to.

Mr. Arndt gave notice that he would at some future day, ask leave to introduce a bill to provide for the support of illegitimate children.

The following message was received from the House of Representatives by the clerk thereof, viz :—

“Mr. President—The House of Representatives have adopted the report of the joint committee, appointed to prepare joint rules and orders for the government of the two Houses during the present session.”

On motion of Mr. Sterling,

The Council adjourned until Monday morning.

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*Monday, December 14, 1840.*

Mr. Bullen presented three petitions from citizens of Walworth county, and one from citizens of Racine county, praying for the passage of an act explanatory of the law to regulate toll for grinding.

Read and referred to Messrs. Bullen, Rountree and Martin.

Mr. Collins presented the petition of Moses M. Strong, for the appointment of a committee to investigate his accounts as late Fiscal Agent of the Territory, and moved that the prayer of the petitioner be granted.

Which was agreed to, and Messrs. Collins, Upham and Learned were appointed a committee.

Mr. Upham presented the petition of inhabitants of Milwau-

kee county, praying the passage of a law to remit the interest upon canal lands.

Read and laid on the table.

The President laid before the Council a communication from the Governor on executive business.

Which was read and laid on the table.

On motion of Mr. Martin,

*Resolved*, That the Judiciary committee enquire into the expediency of memorializing Congress for the appointment of an additional Judge of the Supreme Court, and for such amendment of the act organizing the Territory, that no Judge trying a cause in any of the District Courts, shall sit on the argument of the same cause in the Supreme Court of the Territory.

On motion of Mr. Upham,

*Resolved*, That the Librarian furnish to each member of the Council, a copy of the revised statutes of Wisconsin Territory, and the subsequent statutes, to be returned to the Librarian, after the expiration of the present session.

The following message was received from the House of Representatives, by the clerk thereof, viz :

"Mr. President—I am directed to inform you that the amendment, made by this House to a resolution concerning chaplains, has been concurred in by the House of Representatives; and that Messrs. Hacket and Rockwell have been appointed of the joint committee on enrolment under the 6th of the joint rules, on the part of the House."

On motion of Mr. Brigham,

*Resolved*, That the Librarian be instructed to provide for the use of the committee on claims, a blank book, in which it shall be the duty of said committee to register at length, all claims against this Council or the Legislative Assembly, together with the testimony in relation thereto, and also the result of their deliberations thereon.

Mr. Upham presented the following :

*Resolved*, That the Librarian furnish to each member of the Council, (not already furnished with one) a map of the Territory.

Which was read, and.

On motion of Mr. Martin ordered to be laid on the table.

On motion of Mr. Arnold,

*Resolved*, That so much of the address of his Excellency the Governor of this Territory, as recommends memorializing Congress asking them to extend the right of pre-emption to settlers on the even sections of land reserved by Congress, by the third section of the act making appropriations for the Milwaukee and Rock River Canal, be referred to a select committee of three : and that said committee be, and is hereby instructed, to enquire into the expediency of memorializing Congress, asking for a reduction of the minimum price of said land, to one dollar and twenty-five cents per acre.

Messrs. Arnold, Sterling and Janes, were appointed the committee under the foregoing resolution.

Mr. Arnold gave notice, that on some future day, he would ask leave to introduce a bill, to amend an act entitled "an act concerning testimony and depositions."

Mr. Upham gave notice, that on some future day he would ask leave to introduce a bill to amend an act entitled "an act concerning grand and petit jurors."

Mr. Janes gave notice, that on some future day he would ask leave to introduce a bill declaring rivers navigable for certain purposes.

Mr. Bullen obtained leave to offer joint resolution No. 1, entitled, "resolution relative to committees on claims and public expenditures."

Which was read the first and second times, and ordered to be laid on the table to be printed.

Mr. Upham, in accordance with notice given, obtained leave to introduce bill

No. 6. "An act for the relief of the settlers on the canal lands, in the counties of Milwaukee and Jefferson."

Mr. Arndt, in accordance with notice given, obtained leave to introduce bill

No. 7. "A bill to provide for the support of illegitimate children."

Which bills were read the first and second times, and ordered to be laid on the table to be printed.

The Council resolved itself into committee of the whole, Mr. Martin in the chair, for the consideration of bill No. 1, entitled "a bill relating to sheriffs." After some time the committee rose, and by their chairman reported the bill without amendment.

The bill was thereupon ordered to be engrossed for a third reading.

The Council again resolved itself into committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 2, entitled "a bill changing the boundary line of certain counties." After some time the committee rose, and by their chairman reported the bill without amendment.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Arndt, the Council adjourned.

*Tuesday, December 15, 1840.*

The President presented a communication from the Governor, on executive business.

Which was read, and laid on the table.

Mr. Upham presented the petition of citizens of Milwaukee county, asking the passage of a law remitting the interest upon canal lands.

Which was read, and laid on the table.

On motion of Mr. Sterling,

*Ordered*, That all bills, resolutions and memorials, after they shall have been printed, shall remain at least one day on the files before being considered.

Mr. Arndt, from the committee on engrossed bills, reported, as being correctly engrossed, the following bills :

No. 1, A bill relating to sheriffs; and

No. 2, A bill changing the boundary lines of certain counties.

Mr. Bullen, from the select committee, to whom petitions on the subject were referred, reported bill

No. 8. A bill explanatory of an act to establish the rate of toll for grinding.

Which was read the first and second times, and laid on the table to be printed.

Engrossed bill No. 1, A bill relating to sheriffs, was read the third time, and, pending the question on the passage thereof,

On motion of Mr. Martin, the bill was ordered to be laid on the table.

Engrossed bill, No. 2, "A bill changing the boundary lines of certain counties," was read the third time; and, pending the question on the passage thereof,



On motion of Mr. Rountree, it was ordered that the bill be re-committed to the committee of the whole, and made the order of the day for to-morrow.

Mr. Janes, in accordance with notice given, obtained leave to introduce bill No. 9, entitled "A bill declaring rivers navigable for certain purposes."

Which was read the first and second times, and laid on the table to be printed.

Mr. Martin obtained leave to introduce resolution No. 2, entitled "Resolution relative to the survey of public lands within the Territory."

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Bullen, the Council proceeded to the consideration of executive business.

The executive business having been disposed of,

On motion of Mr. Janes, it was ordered that the Council resolve itself into committee of the whole for the consideration of bill No. 3, entitled "A bill concerning betting."

Mr. Sterling asked that a call of the Council be made ;

Which was done, and the absent members sent for.

On motion of Mr. Martin, the Council adjourned.

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*Wednesday, December 16, 1840.*

Mr. Upham presented the petition of citizens of the Territory, praying the passage of an act repealing all laws authorizing any co-partnership between this Territory and any company chartered for the purpose of any improvement, and moved its reference to the committee on incorporations.

Which was read and so referred.

Mr. Arndt offered the following :

*Resolved*, That the act entitled "an act concerning costs and fees" now of force within this Territory, be referred to the committee on the judiciary, with instructions to enquire whether any amendments to the same are necessary—and that they be required to report by bill or otherwise.

Mr. Collins gave notice that he would at a future day ask leave to introduce a memorial to Congress, for an appropriation of money for the improvement of the navigation of the Mississippi river.

Mr. Bullen, in accordance with notice given, obtained leave to introduce bill

No. 10. A bill to establish a board of education, and the office of superintendent of public instruction, and to prescribe their duties.

Which was read the first and second times, and laid on the table to be printed.

On motion of Mr. Arndt, the resolution presented by him this morning, was taken up, considered, and adopted.

On motion of Mr. Janes, the Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of the order of the day, being bill No. 2, entitled "A bill changing the boundary lines of certain counties;" and, after some time, the committee rose, and reported, by their chairman, progress in the business before them, and asked leave to sit again.

Leave was granted.

The following message from the House of Representatives was received by the clerk thereof, viz :—

Mr. President—The House of Representatives have passed the following, in which I am directed to ask the concurrence of this House viz :

"No. 3, A bill concerning county officers in the county of Fond du Lac;"

"No. 3. Resolution concerning the appointment of a joint committee to prepare the laws passed at the present and August sessions, for publication ;

"No. 4. Resolution concerning the appointment of a joint committee ;

"No. 5. Preamble and resolution relative to unsurveyed land."

Mr. Martin obtained leave to introduce resolution No. 3, entitled 'resolution relative to adjournment.' "

Which was read a first and second times, and laid on the table to be printed.

The Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 3, entitled "a bill concerning betting ;" and, after some time, the committee rose and reported the bill as negatived by striking out the enacting clause.

The report was concurred in.

The Council again resolved itself into committee of the whole, Mr. Beigham in the chair, for the consideration of resolution No. 1, entitled "resolution relating to committees on claims and public expenditures," After some time the committee rose and reported the resolution without amendment.

The resolution was then ordered to be engrossed for a third reading.

The following bill and resolutions from the House of Representatives, were severally read the first and second times, viz :

No. 3. A bill concerning county officers in the county of Fond du Lac ;

No. 3. Resolution concerning the appointment of a joint committee to prepare the laws passed at the present and August sessions, for publication ;

No. 4. Resolution concerning the appointment of a joint committee ;

No. 5. Resolution relative to unsurveyed land.

On motion of Mr. Collins, the Council resolved itself into committee of the whole, Mr. Arnold in the chair, for the consideration of resolution No. 3, entitled "resolution relative to adjournment;" and, after some time, the committee rose and reported the resolution with an amendment.

The amendment having been concurred in,

Mr. Arndt moved further to amend the resolution by striking out "eleventh," and inserting "fourth," in place thereof.

The amendment was disagreed to.

Mr. Arndt then moved to lay the resolution on the table.

Which was agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arndt, Brigham, Bullen, Collins, Sterling, Upham, and Maxwell, (President.)

Those who voted in the negative are Messrs. Arnold, Learn-ed, Martin, Rountree, and Vineyard.

Mr. Martin gave notice that at a future day he would ask leave to introduce a bill to repeal the act relating to interest on contracts.

On motion of Mr. Sterling, the Council adjourned.

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### *Thursday, December 17, 1840.*

The President laid before the Council a communication from the Governor, transmitting the report of the chief engineer relative to the Milwaukee and Rock River Canal.

Which was referred to the select committee to whom that portion of the Governor's message on the subject had been committed.

Mr. Upham presented the following resolution, viz :

*Resolved*, That the reporters of the Council be at liberty to

take a copy of each resolution, when offered by any member, and each printed bill or resolution.

Mr. Learned, on leave given presented resolution No. 4, entitled, "Resolution relative to the library."

Which was laid on the table.

Mr. Collins gave notice that he would on some future day ask leave to introduce memorials to Congress, as follows; asking an amendment of the organic law of the Territory so as to extend the jurisdiction of justices of the peace to one hundred dollars, and for an appropriation for the construction of a rail road from Lake Michigan to the Mississippi river.

Mr. Janes gave notice that he would at some future day ask leave to introduce a bill concerning proceedings in district courts.

Mr. Aradt from committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 1. Resolution relative to committees on claims and public expenditures.

Mr. Arnold, from the select committee to whom the petition on the subject was committed, made report :

The select committee to whom was referred the petition of citizens of Milwaukee county, praying for the adoption of a memorial to Congress asking for the confirmation of titles to lots one, two, and three, of section thirty-two, township seven, range twenty-two east, in the county of Milwaukee, recommend the adoption of the following memorial :

No 1. Memorial to Congress praying the confirmation of titles to certain lots in the county of Milwaukee.

Which was read and laid on the table.

Resolution No. 1. "Resolution relative to committees on claims and public expenditures," was read the third time, passed, and the title agreed to.

Mr. Martin in accordance with notice given, obtained leave to introduce bill

No. 11. A bill to repeal the act relating to interest on contracts.

Which was read the first and second times, and laid on the table to be printed.

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of memorial No. 1, "memorial to Congress praying the confirmation of titles to certain lots in the county of Milwaukee;" and after some time the committee rose, and by their chairman reported the memorial without amendment.

The memorial was adopted.

Mr. Learned called up resolution No. 4. "Resolution relative to the library;"

Which was read the first and second times, and

On motion of Mr. Collins, the Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of the same; and, after some time the committee rose, and by their chairman reported the resolution with an amendment.

The amendment was concurred in, and the resolution as amended was ordered to be engrossed for a third reading.

On motion of Mr. Upham,

The resolution offered by him this morning, relative to reporters, was called up, considered and adopted.

On motion of Mr. Upham,

The Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of No. 6, "a bill for the relief of settlers on the canal lands in the counties of Milwaukee and Jefferson;" and, after some time the committee

rose, and by their chairman, reported progress in the business before them, and asked leave to sit again.

Leave was granted.

On motion of Mr. Arndt, the Council adjourned.

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*Friday, December 18, 1840.*

The President laid before the Council two communications from the Governor, viz :

On executive business ; and

Transmitting a letter from Byron Kilborn, Esq., agent of the Territory, upon the subject of a loan for the Milwaukee and Rock river canal.

Which was severally read and laid on the table.

Mr. Upham presented the petition of inhabitants of the county of Milwaukee, asking that certain sections be set off from the town of Wauwautosa and attached to the town of Kinikennick.

Read and laid on the table.

Mr. Brigham gave notice that he would at some future day ask leave to introduce a bill for a territorial road from Fort Winnebago to the Plover rapids on the Wisconsin river.

Mr. Learned gave notice that he would at a future day ask leave to introduce bills, as follows :

A bill relating to pedlars and itinerant traders ; and

A bill relating to constables.

Mr. Bullen gave notice that he would at a future day ask leave to introduce a bill to repeal the " act regulating taverns and groceries."

Mr. Jones gave notice that he would at a future day ask leave

to introduce a bill relative to trunks, baggage, and other unclaimed personal property.

Mr. Arndt from the committee on engrossed bills, reported the following resolution and memorial to be correctly engrossed, viz :

No. 4. Resolution relative to the library ; and

No. 1. Memorial to Congress praying the confirmation of title to certain lots in the county of Milwaukee.

Resolution No. 4, entitled "resolution relative to the Library," was then read the third time and passed, and the title was agreed to.

On motion of Mr. Learned, the Council proceeded to the consideration of Executive business.

The executive business having been disposed of,

On motion of Mr. Arndt, bill No. 4, entitled "a bill supplemental to the act concerning testimony and depositions," was taken up and referred to the committee on the Judiciary.

On motion of Mr. Upham, the Council resumed the consideration in committee of the whole, of bill No. 6, entitled "a bill for the relief of the settlers on the canal lands, in the counties of Milwaukee and Jefferson," Mr. Arndt in the chair. And, after some time, the committee rose and reported, by their chairman, the bill with amendments.

The amendments were concurred in.

Mr. Martin then moved further to amend the bill, by adding a section thereto, as follows :

SEC. 4. That so much of any law of this Territory, as authorises a loan of money for the construction of said canal, is hereby repealed, *provided*, that the bonds heretofore issued, shall not have been negotiated previous to the passage of this act.

And, pending the question on this amendment, the clerk of the House of Representatives was announced, who delivered the following message :



"Mr. President—The House of Representatives have passed the following, in which I am directed to ask the concurrence of this House, viz :

No. 4. A bill to divide the town of Whitewater and to create the town of Richmond.

No. 6. A bill relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory of 1840 and 1841 shall take effect.

No. 7. A bill to create the town of Eagle.

The question was taken on the amendment offered by Mr. Martin, and determined in the negative; ayes 5, noes 7.

And the ayes and noes having been called for,

Those who voted in the affirmative are Messrs. Bullen; Janes, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative are Messrs. Arnold, Arndt, Brigham, Collins, Rountree, Upham and Vineyard.

Mr. Collins then moved further to amend said bill by striking out all after the word "canal" in the fourth line of the second section, and inserting in place thereof, as follows :—"and that the interest on said lands or obligations shall commence at the time such loans shall be effected."

The amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Rountree, the Council resumed the consideration in committee of the whole, Mr. Janes in the chair, of bill No. 2, entitled "a bill changing the boundary lines of certain counties;" and, after some time the committee rose, and by their chairman, reported the bill with an amendment thereto.

The amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Arnold, the Council proceeded to the further consideration of resolution No. 3, entitled "resolution re-

lative to adjournment;" and, pending the question on engrossing the same for a third reading,

Mr. Martin moved to amend the resolution by striking out "Monday the eleventh" and inserting in place thereof "Friday the eighth."

Which was disagreed to, ayes 2, noes 11.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold and Martin.

Those who voted in the negative are Messrs. Arndt, Brigham, Bullen, Collins, Janes, Learned, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Mr. Arndt then moved to amend by striking out "Monday the eleventh" and inserting "Tuesday the fifth."

The amendment was agreed to.

Mr. Arndt moved to amend further by adding to the resolution, as follows:

*Resolved further*, That, during the recess contemplated by the foregoing resolution, no member of either House of the Legislative Assembly shall be entitled to pay, or to any allowance for mileage.

The amendment was disagreed to, ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arndt, Brigham, Bullen, Collins, Upham, and Vineyard.

Those who voted in the negative are Messrs. Arnold, Janes, Learned, Martin, Rountree, Sterling, and Maxwell, (President.)

Mr. Janes then moved to amend by striking out all after the word "adjourn," and insert in place thereof the words "sine die."

The amendment was disagreed to.

The question then recurred on ordering the resolution to be engrossed for a third reading.

Which was determined in the negative, ayes 6, noes 7.

And the ayes and noes having been called for,

Those who voted in the affirmative are Messrs. Arnold, Brigham Learned, Rountree, Martin and Vineyard.

Those who voted in the negative are Messrs. Arndt, Bullen, Collins, Janes, Sterling. Upham and Maxwell, (President.)

On motion of Mr. Arndt the Council adjourned.

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*Saturday, December 19, 1840.*

The President laid before the Council two communications, as follows :

From the Governor, on executive business.

From the Librarian of the Territory, making report of the state of the Library.

Read and laid on the table.

Mr. Vineyard presented the petition of citizens of the Territory in relation to the location of University lands.

Which was read and referred to the committee on schools.

Mr. Arnold presented the petition of inhabitants of the county of Milwaukee, asking the repeal of the act to provide for the support of common schools, and for other purposes.

Which was read and referred to committee on schools.

Mr. Arnold presented the petition of inhabitants of the county of Milwaukee, asking the passage of a law to authorise the county commissioners of said county to construct a bridge across the Kinnikinnick river, and to levy a tax therefor.

Which was read, and referred to a select committee of Messrs. Arnold, Janes and Martin.

Mr. Brigham gave notice that he would at some future day

ask leave to introduce a bill to enlarge the boundaries of Portage county and for other purposes.

Mr. Arndt, from committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 2. A bill changing the boundary lines of certain counties ;

No. 6. A bill for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson.

The said engrossed bills were then read the third time, passed, and the titles were agreed to.

Mr. Brigham in accordance with notice given, obtained leave to introduce bill No. 12, entitled " a bill to provide for laying out and establishing a territorial road from Fort Winnebago to the Plover Portage of the Wisconsin river ;"

Which was read a first and second times, and laid on the table to be printed.

Mr. Janes, in accordance with notice given, obtained leave to introduce bill No. 13, entitled, " a bill concerning proceedings in District Courts ;"

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Arndt, the report of the Librarian was taken up, and referred to committee on Territorial Affairs.

On motion of Mr. Martin, the Council resolved itself into committee of the whole. Mr. Learned in the chair, for the consideration of bill No. 3 (H. of R.) entitled, " a bill concerning county officers in the county of Fond du Lac." And after some time the committee rose and reported the bill with amendments.

The amendments were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Arndt, the Council resolved itself into committee of the whole, Mr. Martin in the chair, for the consideration of resolution No. 3, (H. of R.) entitled, " resolution

concerning the appointment of a joint committee to prepare the laws passed at the present and August sessions, for publication." After some time, the committee rose and reported the resolution without amendment.

Mr. Martin then moved to amend the resolution by adding thereto, as follows: "and to bring up the records in the Secretary's office."

Mr. Upham moved to substitute the following in place thereof: "also, that said joint committee examine, as far as practicable, into the state of the records kept by the Secretary of the Territory, and report as to their state and condition, as soon as practicable."

And pending the question thereon,

On motion of Mr. Janes, the resolution was ordered to be laid on the table.

On motion of Mr Bullen, the Council resolved itself into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 8, entitled; "a bill explanatory of an act to establish the rate of toll for grinding;" and, after some time, the committee rose and reported the bill, with a substitute therefor, entitled "a bill to repeal an act to establish the rate of toll for grinding."

And the question being on the adoption of the substitute,

Mr. Martin moved to amend by adding a section thereto:

Sec. 2. That the act of the revised statutes of Wisconsin, entitled an "act relating to intercats," be, and the same is hereby repealed: provided, said re-peal shall not affect any act done, right accrued or established, or penalty incurred under said act, but the same shall continue and be enforced in the same manner as if this act had not been passed.

And pending the question thereon,

Mr. Martin moved to lay the bill and amendment on the table.

Mr. Collins then moved to add thereto the words "until the first day of the next session of the Legislature."

Which was determined in the negative, ayes 4, noes 9.

And the ayes and noes having been called for.

Those who voted in the affirmative are Messrs. Arnold, Collins, Vineyard and Maxwell, (President.)

Those who voted in the negative are Messrs. Arndt, Brigham, Bullen, Jones, Learned, Rountree, Sterling and Upham.

The motion of Mr. Martin to lay on the table was then agreed to.

Mr. Martin obtained leave to introduce the following resolutions:

*Resolved*, That the committee on Territorial Affairs, be instructed to inquire, and report, such amendments of the several laws of the Territory, as may be necessary to relieve the people of the Territory from the large amount of taxes now authorized by law to be levied for county purposes.

*Resolved*, That the Judiciary committee inquire and report what amendments are necessary to the several acts regulating writs of attachment.

Which were severally read, considered, and adopted.

On motion of Mr. Vineyard, the Council adjourned.

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*Monday, December 21, 1840.*

Mr. Arndt presented the petition of Samuel Ryan and others, stockholders of the Fond du Lac company, asking that certain acts of said company may be legalized.

Which was read and referred to Messrs. Arndt, Jones, and Learned.

The President laid before the Council a message from the Governor on Executive business ;

Also, a petition from citizens of Prairieville, asking a repeal of the law regulating the sale of intoxicating drinks within this Territory.

Which were read and laid on the table.

Mr. Arndt offered the following resolution :—

*Resolved*, That the Fiscal Agent of the Territory, Samuel B. Knapp, Esq., be requested to report to this Council the amount of moneys by him received and disbursed as such Agent ; and further, that he be requested to report whether any moneys, belonging to the Territory, and what amount is in his hands ; and whether he can provide means for the payment of the expenses of the present session, and for the payment of the balance due under appropriations of former sessions.

Mr. Arndt offered the following resolution :

*Resolved*, That the reporter for the "Madison Express," be excluded from the privilege of sitting within the bar as reporter of the debates of the Council.

Which was laid on the table.

Bill No. 8, (H. of R. file) entitled "A bill concerning county officers in the county of Fond du Lac," was taken up, read the third time and passed.

And the title having been read, Mr. Upham moved to amend the same by adding thereto—"and for other purposes."

Which was agreed to, and the title, as amended, was adopted.

Mr. Brigham in accordance with notice given, obtained leave to introduce bill No. 14, entitled "A bill to enlarge the boundaries of Portage county, and for other purposes."

Mr. Collins, in accordance with notice given, obtained leave to introduce bill No. 15, entitled "A bill to prescribe the number, duties, and compensation of the officers of the Legislative Assembly and for other purposes."

Which were read a first and second times, and laid on the table.

Mr. Collins obtained leave, in accordance with notice given to introduce memorial No. 2, entitled "Memorial to Congress for the survey and construction of a railway from Lake Michigan to the river Mississippi."

Which was read and laid on the table.

On motion of Mr. Collins,

*Ordered*, That the 48th of the standing rules of the Council be suspended for the present, in order that the message of the Governor, on Executive business, read this morning may be considered now.

The Council thereupon proceeded to the consideration of the said business.

And, the executive business having been disposed of,

On motion of Mr. Arnold, the resolution offered by him this morning, relative to the reporter for the "Madison Express," was taken up, and after some consideration thereon,

On motion of Mr. Martin, the resolution was laid on the table.

On motion of Mr. Arndt, the resolution offered by him this morning, calling upon the Fiscal Agent of the Legislature for certain information, was taken up considered, and adopted.

On motion of Mr. Arndt, the Council resolved itself into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 5, entitled "A bill to amend an act entitled an act for assessing and collecting county revenue;" and, after some time the committee rose, and, by their chairman, reported progress in the business submitted to them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Martin, the Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of resolution No. 3, (H. of R. file) entitled "Resolution



concerning the appointment of a joint committee." After some time, the committee rose and reported the resolution without amendment.

Mr. Arnold then moved to amend the resolution by inserting after the words "as soon as practicable," as follows:—"whether a general change in the present system of county or town Government is necessary, and, if so, what system should be adopted; and also to report."

The motion to amend was agreed to.

The question then being on ordering the resolution to a third reading, it was determined in the negative.

So the resolution was rejected.

On motion of Mr. Sterling, the Council re-considered the vote by which resolution No. 3 (H. of R.) was rejected.

And the question being again put on ordering the same to a third reading.

Mr. Arndt moved a re-consideration of the vote by which the amendment just made thereto, on motion of Mr. Arnold was adopted.

Which was disagreed to.

Mr. Upham then moved to lay the resolution on the table.

Mr. Arndt moved to amend by adding thereto "until the fourth day of July next."

The motion to amend was disagreed to—ayes 8, noes 9.

And the ayes and noes being called for.

Those who voted in the affirmative are Messrs. Arndt, Collins, and Sterling.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Martin, Rountree, Upham, and Maxwell, (President.)

And the question then being on the motion of Mr. Upham to lay the resolution on the table.

Mr. Janes moved to adjourn.

Which was disagreed to.

Mr. Upham then withdrew the motion to lay on the table; and, the question recurring on ordering the resolution to a third reading, it was determined in the negative—ayes 6 noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Bullen, Janes, Rountree, Upham, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Brigham, Collins, Learned, Martin, and Sterling.

So the resolution was rejected.

On motion of Mr. Sterling, the Council adjourned.

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*Tuesday, December 22, 1840.*

On motion of Mr. Sterling,

The Council proceeded to the consideration of executive business; and the executive business having been disposed of,

On motion of Mr. Martin,

The Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of resolution No. 2, entitled "resolution relative to the survey of the public lands within the Territory;" also, resolution No 5, (H. of R. file,) entitled "resolution relative to unsurveyed lands;" and after some time the committee rose, and by their chairman, reported the same to the Council without amendment.

Resolution No. 2 was thereupon ordered to be engrossed for a third reading; and,

On motion of Mr. Janes,

Resolution No. 5, (H. of R. file,) was indefinitely postponed.

On motion of Mr. Janes,

The Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 9, entitled, "A Bill declaring rivers navigable for certain purposes;" and after some time, the committee rose, and by their chairman, reported the same to the Council without amendment.

On motion of Mr. Arnold,

The bill was then ordered to be laid on the table, and made the order of the day for to-morrow.

On motion of Mr. Bullen,

Bill No. 10, entitled "A Bill to establish a board of education, and the Office of Superintendent of Public Instruction, and to prescribe their duties," was taken up and referred to the committee on schools.

On motion of Mr. Brigham,

The Council resolved itself into committee of the whole, Mr. Arnold in the chair, for the consideration of bill No. 12, entitled "A bill to provide for laying out and establishing a territorial road from Fort Winnebago to the Plover Portage of the Wisconsin river;" and after some time, the committee rose, and by their chairman, reported the same with amendments.

The amendments were concurred in.

Mr. Upham then moved further to amend the bill, by striking out all after the word "act," in the third line of the second section,

Which was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Bullen,

The Council proceeded to the further consideration of resolution No. 3, (H. of R. file,) entitled "resolution concerning the appointment of a joint committee to prepare the laws passed at the present and August sessions, for publication;"

And pending the question on the amendment of Mr. Upham to the amendment of Mr. Martin,

Mr. Upham obtained leave to withdraw the same.

The question then recurred on the amendment of Mr. Martin, to add to the resolution as follows: "and to bring up the records in the Secretary's office,"

Which was disagreed to—ayes 3, noes 9.

And the ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, and Martin.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Janes, Learned, Rountree, Sterling, Upham and Maxwell, (President.)

Mr. Upham then renewed his motion to add to the resolution as follows: "also, that said joint committee examine, as far as practicable, into the state of the records kept by the Secretary of the Territory, and report as to their state and condition as soon as practicable."

The amendment was adopted.

And the question then being on ordering the resolution as amended, to a third reading.

It was disagreed to—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Collins, Janes, Martin and Upham.

Those who voted in the negative, are Messrs. Brigham, Bullen, Learned, Rountree, Sterling and Maxwell, (President.)

So the resolution was rejected.

The following message was received from the House of Representatives by the clerk thereof, viz:

"Mr. President—The House of Representatives have passed the following, in which the concurrence of this House is requested, viz:

No. 17. "A bill to amend an act entitled an act concerning the duties of clerk of the board of county commissioners."

No. 1. "Memorial to Congress for the construction of harbors on the western shore of Lake Michigan."

And have concurred in resolutions of this House, as follows:

No. 1. "Resolution relative to committees on claims and public Expenditures."

No. 4. "Resolution relative to the Library."

And in the amendments of this House to bill No. 3, of the House of Representatives, entitled "a bill concerning county officers in the county of Fond du Lac, and for other purposes."

On motion of Mr. Collins,

The Council then resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of memorial No. 2, entitled, "a memorial to Congress for the survey and construction of a railway from Lake Michigan to the river Mississippi;" and after some time the committee rose and reported the memorial without amendment.

The memorial was thereupon unanimously adopted.

Mr. Martin obtained leave to offer the following:

*Resolved*, That the Council will adjourn over the holidays, from the 23d instant until the 4th of January next.

Which was disagreed to—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt Brigham, Martin and Sterling.

Those who voted in the negative, are Messrs. Bullen, Collins, Janes, Learned, Rountree, Upham and Maxwell, (President.)

The President announced the appointment of Messrs. Learned and Bullen, of the committee on the part of the Council, under the joint resolution relative to the library.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Bills from the House of Representatives, as follows, were severally read a first and second times, and laid on the table, viz:

No. 4. A bill to divide the town of Whitewater and to create the town of Richmond.

No. 6. A bill relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory of 1840 and 1841 shall take effect.

No. 7. A bill to create the town of Eagle; and

No. 17. A bill to amend an act entitled an act concerning the duties of the clerks of the boards of county commissioners.

Memorial No. 1, (H. of R.) entitled "memorial to Congress for the construction of harbors on the western shore of Lake Michigan," was read and laid on the table.

Mr. Sterling offered the following resolution:

*Resolved*, That the Council will adjourn over from the 24th inst. to the 2d of January next.

Which was disagreed to—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Martin, Sterling and Upham.

Those who voted in the negative, are Messrs. Bullen, Collins, Janes, Learned, Rountree and Maxwell, (President.)

Mr. Rountree, from the committee on schools, obtained leave to introduce bill No. 16, entitled "a bill to amend an act entitled an act to provide for the support of common schools and for other purposes."

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Bullen, the Council adjourned.

*Wednesday, December 23, 1840.*

The President laid before the Council a message from the Governor on Executive business.

Which was read and laid on the table.

On motion of Mr. Arnold, the petition of citizens of Prairieville asking a repeal of the law regulating the sale of intoxicating drinks within this Territory, was taken up and referred to the Committee on the Judiciary.

Mr. Arndt, from committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 12. A bill to provide for laying out and establishing a territorial road from Fort Winnebago to the Plover Portage on the Wisconsin river ;

No. 2. Resolution relative to the survey of the public lands within the Territory ; and

No. 2. Memorial to Congress for the survey and construction of a railway from lake Michigan to the river Mississippi.

Mr. Sterling from the committee on territorial affairs, obtained leave to introduce bill No. 17, entitled " a bill to amend the several acts of the Territory to authorise the levy and collection of taxes."

The bill was twice read, and laid on the table.

Mr. Sterling from the committee on territorial affairs, obtained leave to introduce the following resolutions :

*Resolved*, That the commissioner of public buildings be requested to make a detailed estimate of the probable cost of completing the Capitol of Wisconsin, in accordance with the original plan of said building.

*Resolved*, That the Secretary of the Territory be instructed

to furnish to the Council the number of votes polled on the 28th day of September, 1840, in favor of, or against the formation of a state Government, as returned to his office.

Which were laid on the table.

On motion of Mr. Arnold, (three-fourths concurring therein,)

*Ordered*, That the forty-eighth of the standing rules be suspended, in order that the nominations of Justices of Peace for the county of Milwaukee may be considered now.

The Council then proceeded to the consideration of Executive business; and, the business being disposed of,

On motion of Mr. Martin, the resolutions offered by the committee on territorial affairs were taken up and considered.

Mr. Bullen moved to amend the first resolution by striking out the word "requested" and inserting in place thereof, the word "instructed."

Which was agreed to, and the resolutions were adopted.

The following message was received from the House of Representatives, by the clerk thereof, viz :

"Mr. President—The House of Representatives has concurred in bill No. 6 of this House, entitled 'a bill for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson, with an amendment, in which I am directed to ask the concurrence of this House.'"

The amendment of the House of Representatives to bill No. 6, entitled "a bill for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson," as follows:—strike out sections one and two, and insert in place thereof; "That the collection of the semi-annual interest due on the 23d day of December in the year of our Lord eighteen hundred and forty is hereby postponed until the Legislature of the Territory shall provide by law for its collection," having been read,

Mr. Upham moved to amend the same by inserting after the word "forty" the words "and the interest hereafter to become



due on all the obligations given for lands heretofore sold by said Territory to aid in the construction of the Milwaukee and Rock River canal."

Which was agreed to, and the amendment of the House, as amended, was concurred in.

The following engrossed bill and resolution were read the third time and passed, viz :

No. 12. A bill to lay out and establish certain Territorial roads therein named ; and

No. 2. Resolution relative to the survey of the public lands within the Territory.

And the titles thereof having been read,

Mr. Martin moved to amend that of No. 12, so as to read " A bill to lay out and establish certain territorial roads therein named."

Which was adopted, and the titles were then agreed to,

On motion of Mr. Arndt, the Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 7, entitled " a bill to provide for the support of illegitimate children ;" and, after some time the committee rose and reported, by their chairman, the bill with amendments.

The amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

And the ayes and noes having been called for,

Those who voted in the affirmative are Messrs. Arndt, Brigham, Bullen, Collins, Janes, Learned, Martin and Rountree.

Those who voted in the negative, are Messrs. Arnold, Sterling and Upham.

On motion of Mr. Upham the Council resolved itself into the committee of the whole, Mr. Collins in the chair, for the consideration of bills from the House of Representatives, as follows:

No. 4. A bill to divide the town of Whitewater, and to create the town of Richmond ; and

No. 7. A bill to create the town of Eagle.

And, after some time the committee rose and reported the bill without amendment.

On motion of Mr. Upham, bill No. 7 was indefinitely postponed.

And the question being on ordering bill No. 4, to a third reading.

Mr. Upham moved to amend the same by adding thereto, as follows :

Sec. 2. That the Territory included with the limits of township No. 5 north of range No. 17, east, according to the survey of the United States, be, and the same is hereby created into a separate town by the name of Eagle, and that said town shall have the same powers that other authorized towns in the Territory have."

Which was agreed to, and the bill as amended, was

*Ordered* to be engrossed for a third reading.

Mr. Arndt obtained leave to introduce the following :

*Resolved*, That the Secretary inform the House of Representatives, that the Council will on to-morrow, adjourn over the holidays.

Mr. Arnold moved to strike out all after the word "*Resolved*," and insert, "that when the Council adjourn on Thursday the 24th instant, it will adjourn to meet again on Saturday the 2d day of January, A. D. 1841, at two o'clock in the afternoon:

*Resolved*, That the Secretary be ordered to inform the House of Representatives of the passage of this resolution.

The amendment was disagreed to—ayes 6, noes 6:

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Martin Sterling and Upham.

Those who voted in the negative, are Messrs. Bullen, Collins, Janes, Learned, Rountree, and Maxwell, (President.)

And the question then being on the adoption of the original resolution,

Mr. Bullen submitted the following question of order :—That the resolution now under consideration, which contemplates an adjournment of one House of the Legislative Assembly, without the consent of the other, for a period beyond three days, is not in order ; inasmuch as the fifty-second of the standing rules prescribes that “ the rules of parliamentary practice, comprised in Jeffersons manual, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of the Council, and the rules and order of the Council and House of Representatives ;” and, inasmuch as the fiftieth paragraph of said Manual declares that “ neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days.”

The President declared the resolution to be in order :—That the rules of parliamentary practice, comprised in Jefferson's Manual, referred to in the fifty second of the standing rules, must be taken and understood to be the rules and practice of Parliament, *exclusively*; and that the rule of Congress, contained in the paragraph noted, being a prohibition by the Constitution of the United States, cannot be taken as one of the rules of parliamentary practice referred to in the standing rules of the Council, and has no application therefore to the question now under consideration.

The question then recurred on the resolution, and it was disagreed to—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt Brigham, Martin and Sterling.

Those who voted in the negative, are Messrs. Bullen, Collins, Jones, Learned, Rountree, Upham and Maxwell, (President.)

The President laid before the Council the Report of Samuel

B. Knapp, Esq., Fiscal Agent of Wisconsin Territory, in answer to a resolution of the Council, calling for information ;

Which was read, and

On motion of Mr. Bullen,

Ordered to be laid on the table to be printed.

On motion of Mr. Bullen, the Council adjourned.

*Thursday, December 24, 1840.*

Mr. Sterling presented the remonstrance of citizens of the county of Iowa against a change of county government.

Which was read and referred to the select committee to which the petitions for a change in the present manner of county government were referred.

Mr. Martin moved that the Council adjourn until the 4th day of January next ; and that the Secretary inform the House of Representatives thereof.

Mr. Collins asked that a call of the Council he made and the absent members, if any, sent for.

And the call being made, it appeared that Messrs. Brigham, Learned, Rountree and Vineyard were absent.

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—I am directed to inform you that the amendment of the Council to the amendment of the House of Representatives to bill No. 6 of this House, entitled "A bill for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson," has been concurred in ; and, that memorial No. 1, of this House, entitled " memorial to Congress

praying the confirmation of title to certain lots in the county of Milwaukee," has been indefinitely postponed.

The Sergeant at arms reported the attendance of Mr. Brigham, and that the other absentees had left the town for their homes, respectively.

Mr. Arndt thereupon moved a further suspension of the call.

Which was disagreed to—ayes 5, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Martin and Sterling.

Those who voted in the negative, are Messrs. Bullen, Collins, Janes, Upham and Maxwell, (President.)

Mr. Bullen then required the absent members to be sent for ;  
when

Mr. Arndt again moved a suspension of the call, and that the Council do proceed to business.

Which was agreed to.

And pending the question on the motion of Mr. Martin,

Mr. Janes, from the committee on enrolment, reported the following to be correctly enroled, viz :

An act concerning county officers in the county of Fond du Lac, and for other purposes; and

An act for the relief of settlers on the canal lands in the counties of Milwaukee and Jefferson.

Mr. Martin then withdrew the motion, offered by him, to adjourn, and substituted the following in place thereof, viz :

*Ordered*, That the Council will not sit from the 25th inst. until the 3d day of January next, inclusive, and that the Secretary inform the House of Representatives thereof.

And, pending the question thereon the following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President,—I am directed to present for your signature

the following, which have been signed by the speaker of the House of Representatives, viz :

An act for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson ; and,

An act concerning county officers in the county of Fond du Lac, and for other purposes."

The motion was then put on the motion of Mr. Martin,

When, Mr. Bullen asked that a call of the Council be made, and the absentees sent for.

The Sergeant-at-arms reported the attendance of the absent members ; when the question was again put on the motion of Mr. Martin, and determined in the affirmative—ayes 6, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Martin, Sterling and Upham.

Those who voted in the negative, are Messrs. Bullen, Collins, Janes and Maxwell (President.)

Mr. Arndt, from the committee on engrossed bills, reported bill No. 7, entitled " a bill to provide for the support of illegitimate children," to be correctly engrossed.

Mr. Janes from the committee on enrolment, reported the following to have been presented to the governor for his approval, viz :

An act for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson ; and,

An act concerning county officers in the county of Fond du Lac, and for other purposes.

The President laid before the Council a message from the Governor, informing the Council that he had this day examined and approved " an act for the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson."

On motion of Mr. Arndt the Council adjourned.

*Monday, January 4, 1841.*

A quorum of the members not being present,  
On motion of Mr. Rountree, the Council adjourned.

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*Tuesday, January 5, 1841.*

The President laid before the Council a communication from the Secretary of the Territory, in reply to a resolution instructing him to furnish a list of votes polled for and against the formation of a State Government ;

Which was read and referred to the committee on Territorial Affairs.

The President also laid before the Council several petitions from citizens of Walworth county ;

Which were read and referred as follows :

Two petitions asking for a change of county and town government ;

Which were referred to a select committee on the subject :

A petition praying to have the official acts of Thomas M. McKaig, late justice of peace in said county, legalized ; and a petition praying for an act to prohibit certain animals running at large ;

Which were referred to the committee on the Judiciary:

A petition for the division of the town of Spring-Prairie, and the organization of the town of Greenfield ;

Which was referred to the committee on Territorial Affairs, and

A petition to have certain lands set unto the Bloomfield school district, No. 4, in said county ;

Which was referred to committee on schools.

Mr. Arnold presented the remonstrance of citizens of the county of Milwaukee against the construction of a bridge across Kinnikinnick river ;

Which was read and referred to the committee to which the petition on the subject was referred.

Mr. Bullen offered the following :

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin,* That the following rule be adopted and established as one of the joint rules of the two Houses, viz :

Neither House of the Legislative Assembly shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

Mr. Janes gave notice that he would on a future day ask leave to introduce bills as follows :

A bill concerning testimony ; and

A bill concerning appeals from justices' courts ?

Bill No. 4, (H. of R.) entitled " a bill to divide the town of Whitewater, and to create the town of Richmond," was read the third time and passed.

And the question being on the title thereof,

Mr. Upham moved to amend so as to read, " a bill to create the town of Richmond, in Walworth county, and the town of Eagle, in Milwaukee county."

Which was agreed to and the title was adopted.

Engrossed bill No. 7, entitled " a bill to provide for the support of illegitimate children," having been read the third time,

On motion of Mr. Collins,

The same was laid on the table.



On motion of Mr. Upham,

The Council resolved itself into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 6, (H. of R.) entitled "a bill relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory of 1840 and 1841, shall take effect;" and after some time, the committee rose and reported the same without amendment.

The bill was thereupon ordered to a third reading—ayes 8; noes 1.

And the ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Rountree, Sterling, Upham and Maxwell, (President.)

Mr. Collins voted in the negative.

On motion of Mr. Janes,

The Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of memorial No. 1, (H. of R.) entitled "memorial to Congress for the construction of harbors on the western shore of Lake Michigan;" and after some time, the committee rose and reported the memorial without amendment.

The memorial was thereupon adopted.

On motion of Mr. Brigham,

The Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 14, entitled "a bill to enlarge the boundaries of Portage county and for other purposes;" and after some time the committee rose, and by their chairman reported the bill without amendment.

And pending the question on ordering the bill to be engrossed for a third reading, it was,

On motion of Mr. James,

Ordered to be laid on the table.

On motion of Mr. Janes, bill No. 9, "A bill declaring rivers navigable for certain purposes," was taken up, and

Ordered to be engrossed for a third reading.

On motion of Mr. Rountree,

The Council proceeded to the consideration of executive business.

The executive business having been disposed of,

On motion of Mr. Upham, the Council adjourned.

### *Wednesday, January 6, 1841.*

Mr. Arndt presented the petition of citizens of the county of Brown, praying for an alteration in the mechanic's lien law.

Which was referred to a select committee of Messrs. Arndt, Upham and Janes.

Also, the petition of citizens of Fond du Lac county, praying that a law may be passed to incorporate the Fond du Lac company for certain purposes.

Which was referred to the select committee to whom the petition of the Fond du Lac company on the subject was referred.

Mr. Janes presented the petition of citizens of the Territory for the passage of a law creating the office of Superintendent of public instruction,

Which was referred to committee on schools.

Mr. Upham presented the petition of citizens of the county of Milwaukee, praying an alteration in the present system of assessing and collecting county taxes,

Which was laid on the table.

Mr. Arnold presented the petition of Josiah Moore, of the county of Milwaukee, praying for a divorce,

Which was read and referred to the committee on judiciary.  
The President laid before the Council a communication from the Governor on Executive business,

Which was read and laid on the table.

Mr. Arnold gave notice that he would ask leave to-morrow to introduce a memorial to Congress from this Council praying the confirmation of title to certain lots in the county of Milwaukee.

Mr. Bullen, from the committee on engrossed bills, reported bill No. 9, entitled "a bill declaring rivers navigable for certain purposes," to be correctly engrossed.

The bill was thereupon read the third time, passed, and the title agreed to.

On motion of Mr. Arndt, bill No. 7, entitled "A bill to provide for the support of illegitimate children," was taken up, and read the third time,

And the question being on the passage thereof, it was determined in the affirmative—ayes 6, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Collins, Janes and Rountree.

Those who voted in the negative, are Messrs. Arnold, Sterling, Upham and Maxwell, (President.)

The title was read and agreed to.

No. 6, (H. of R.), entitled "A bill relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory of 1840 and 1841, shall take effect," was read the third time:

And the question being on the passage thereof, it was determined in the affirmative—ayes 6, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Bullen, Janes, Rountree, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Brigham, Collins, Martin and Sterling.

The title was then read and agreed to.

On motion of Mr. Bullen,

Resolution No. 5, offered by him yesterday, entitled "Resolution adopting a joint rule relative to adjournment;" was taken up, and read the first and second time.

On motion of Mr. Collins,

The Council resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 15, entitled "A bill to prescribe the number, duties, and compensation of the officers of the Legislative Assembly, and for other purposes;" and after some time, the committee rose and reported the bill with amendments.

The report of the committee was received; when,

On motion of Mr. Upham,

The same was laid on the table.

Mr. Martin gave notice that he would at some future day ask leave to introduce a bill to incorporate the Fox River Steam Boat Company.

On motion of Mr. Arndt, the Council adjourned.

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### *Thursday, January 7, 1841.*

Mr. Arnold presented the remonstrance of citizens of the town of Kinnikinnick, in the county of Milwaukee, against a change in the name of said town;

Which was read and laid on the table.

Mr. Arnold from the committee on the Judiciary, to whom

the petition on the subject was referred, reported bill No. 18, entitled "A bill for the relief of Josiah Moore ;"

Which was read a first and second time, and laid on the table to be printed.

Mr. Rountree, from the committee on Schools, to whom the petition on the subject was referred, made report as follows :

The committee on Schools, to whom was referred the petition of Perkins S. Childs and others, asking certain sections of land to be attached to Bloomfield school district, No. 4, in Walworth county, would respectfully report, that the law for the support of common schools and other purposes, approved January 13th 1840, makes provisions for such cases ;

Which was laid on the table.

Mr. Arndt, from the select committee, to whom was referred the petition on the subject, obtained leave to introduce bill No. 19, entitled "A bill to incorporate the Fond du Lac Company ;"

Which was read a first and second time, and laid on the table to be printed.

Mr. Arnold, in accordance with notice given, obtained leave to introduce a "Memorial to Congress, praying the confirmation of title to certain lots in the county of Milwaukee ;"

Which was read and laid on the table.

On motion of Mr. Upham,

The report of the committee on the whole on bill No. 15, entitled "A bill to prescribe the number, duties and compensation of officers of the Legislative Assembly, and for other purposes," was taken up ;

And the question having been taken on the first amendment, viz : to strike out "three," in the sixth line of the first section, and insert "two" in place thereof, it was determined in the affirmative—ayes 9, noes 4.

The ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, Col-

lins, Janes, Learned, Martin, Rountree, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham and Vineyard.

The remaining amendments were then concurred in; when

Mr. Bullen moved to amend the bill further, by adding an additional section, as follows :

Sec. 11. This act shall take effect from and after the close of the present session of the Legislative Assembly; and the officers of the two Houses now in session, shall receive, each, one dollar per day less than was allowed at the two last preceding sessions of the Legislature, for services rendered in similar offices; and the officers of the present session shall be paid in the manner prescribed in the seventh section of this act;

Which was disagreed to.

Mr. Upham then moved to amend as follows :

Sec. 11. This act shall be in force from and after its passage, except so much thereof as relates to the number of officers in each House, and their compensation, which shall take effect from and after the last day of the present session, shall be as follows: To the Secretary of the Council and Chief Clerk of the House, each        dollars per day; and to the other officers, each,        dollars per day—these sums to be paid severally to the officers herein mentioned, in the manner prescribed in the seventh section of this act;

Which was also disagreed to—ayes 6, noes 7.

And the ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Janes, Martin, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Learned, Rountree, Sterling and Vineyard.

Mr. Arndt, then moved to amend the bill, as follows :

Strike out all after the word "Assembly," in the second line

of the 6th section, to the words "to the Secretary," in the fifth line, and insert at the end of the section, as follows: "Provided, that no additional pay shall be allowed to the President of the Council or to the Speaker of the House of Representatives, for the performance of the duties of their respective offices,"

Which was agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnel, Aradt, Bullen, Janes, Martin, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Brigham, Collins, Learned, Rountree and Maxwell, (President.)

Mr. Vineyard then moved to recommit the bill to the committee of the whole;

Which was disagreed to.

Mr. Bullen moved a reconsideration of the vote by which the amendments reported by the committee of the whole were adopted;

Which was carried in the affirmative.

The question then recurred on the adoption of the amendment reported from the committee of the whole;

And pending the same,

Mr. Janes from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

An act relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory of 1840 and 1841, shall take effect.

The question again occurred on the adoption of the amendments reported from the committee, and it was decided in the affirmative.

Mr. Upham then moved to amend the bill as follows:

Sec. 11. That the pay, per diem, of the officers of the present session be the same as at the last annual session of the Legislative Assembly; that they be paid as provided in the seventh

section of this act, and that this section shall take effect from and after its passage.

Which was agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Collins, Learned, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Martin and Rountree.

And the question then being on ordering the bill to be engrossed for a third reading, it was determined in the negative—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Collins, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Janes, Learned, Martin, Rountree and Vineyard.

The following message was received from the House of Representatives by the clerk thereof, viz :

“ Mr. President—I am directed to present the following for the concurrence of this House, viz :

“ No. 2. Memorial to Congress on the subject of the western boundary line of Wisconsin Territory ;

“ No. 3. Memorial to Congress for the improvement of certain rivers :

“ No. 1. A bill to amend the several acts concerning Justices of the Peace ; and

“ No. 16. A bill relating to fines and forfeitures,

“ And to inform you that the amendments of this House to bill No. 4, entitled ‘ A bill to divide the town of Whitewater, and to create the town of Richmond,’ have been concurred in, with an amendment to the first amendment, in which the concurrence of the Council is requested ;



"I am also directed to present the following for your signature, which has been signed by the Speaker of the House of Representatives, viz :

"An act relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin Territory, of 1840 and 1841, shall take effect."

The President thereupon signed the act referred to in the foregoing message.

Mr. Bullen moved a reconsideration of the vote by which the Council refused to order to be engrossed for a third reading, bill No. 13, entitled "a bill to prescribe the number, duties, and compensation of the officers of the Legislative Assembly, and for other purposes."

The motion to reconsider was agreed to.

Mr. Upham then moved to re-consider the vote by which the amendment, adding an additional section to the bill, was passed,

Which was also agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Brigham, Bullen, Collins, Janes, Martin, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Learned, Rountree and Vineyard.

Mr. Upham thereupon obtained leave to withdraw the amendment.

Mr. Rountree then moved to lay the bill on the table.

Which was disagreed to.

And the question again recurring on ordering the bill to be engrossed for a third reading, it was

*Ordered*, That the bill be engrossed for a third reading, on Monday next.

On motion of Mr. Rountree, the Council resolved itself into committee of the whole, Mr. Arnold in the chair, for the con-

consideration of bill No. 16, entitled "a bill to amend an act entitled 'an act to provide for the support of common schools, and for other purposes ;'" and, after some time, the committee rose, and by their chairman reported the bill without amendment.

Mr. Arndt then moved to recommit the bill to the committee on schools.

The motion was agreed to.

The President laid before the Council a communication from the Governor, as follows:

### TERRITORY OF WISCONSIN,

EXECUTIVE DEPARTMENT, }  
Madison, Jan. 7, 1841. }

To the Hon. the President of Council : Sir,

I have the honor to submit, in accordance with a resolution appended thereto, a copy of the memorial of the Legislative Assembly of the Territory of Iowa, to the Congress of the United States, asking an appropriation to improve the rapids of the Mississippi river, and to recommend the subject to the favorable consideration of the Council.

Very respectfully,

Your obed't servant,

[Signed]

HENRY DODGE.

The communication having been read,

On motion of Mr. Bullen, the same, together with the memorial, was referred to the committee on internal improvements.

Mr. Rountree, from the committee on schools, to whom was referred bill No. 16, entitled "a bill to amend an act entitled 'an act to provide for the support of common schools, and for other purposes ;'" reported the same back to the Council with an amendment.

The bill, with the amendment, was thereupon read a second time, and laid on the table to be printed.

On motion of Mr. Jones, the Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,  
On motion of Mr. Sterling, the Council adjourned.

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*Friday, January 8, 1841.*

Mr. Arnold presented petition of the inhabitants of the county of Portage, asking to be attached to the county of Dane, for judicial purposes, and to be organized as a separate county, for county purposes; referred to committee on territorial affairs.

Mr. Learned presented the petition of inhabitants of the county of Crawford, praying for a memorial to Congress on the subject of the sale of public lands in said county.

Referred to a select committee, of Messrs. Learned, Upham and Bullen.

Mr. Learned presented the remonstrance of residents on certain lots in the county of Milwaukee against the adoption of a memorial to Congress for the confirmation of the title to said lots.

Referred to the select committee to whom the petition on the subject was referred.

The President laid before the Council a communication from the Governor on Executive business.

Read and laid on the table.

On motion of Mr. Arnold, the petition of inhabitants of the county of Milwaukee, asking that certain sections be set off from the township of Wauwatosa, and attached to the town of Kinnikinnick, and to change the name of the latter town together with the remonstrance presented yesterday, against

changing the name of said town, were referred to committee on territorial affairs.

Mr. Martin obtained leave to withdraw from the files of the Council the petition of Webster Stanley for leave to establish a Ferry on the Fox river, and the same was referred to the committee on internal improvements.

Mr. Janes gave notice that he would at some future day ask leave to introduce a bill regulating suits on bills of exchange and promissory notes.

Mr. Martin from committee on judiciary, reported bill No. 20; a bill to amend the act of the revised statutes, entitled "an act concerning the writ of attachment."

Mr. Bullen from the committee on public expenditures, reported bill No. 21; a bill to provide for the compensation of the officers of the Legislative Assembly.

Which bills were severally read a first and second times and laid on the table to be printed.

Mr. Janes, from committee on enrollment, reported a 'memorial to Congress for the construction of harbors on the western shore of Lake Michigan' to be correctly enrolled.

Mr. Arnold, from the committee to which the subject was referred, made report:

The select committee to whom was referred so much of the message of His Excellency, the Governor of this Territory, as recommends memorializing Congress for the passage of a law extending the right of pre-emption to settlers on the even sections reserved by the United States; by the third section of an act granting a quantity of land to aid in the construction of the Milwaukee and Rock River Canal; and, in obedience to a resolution of the Council instructing them to enquire into the expediency of memorializing Congress, asking for a reduction of the price of said lands to one dollar and twenty-five cents per acre, respectfully report the following memorial, viz:

No. 2. Memorial to the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock River Canal.

The memorial was thereupon read, and laid on the table to be printed.

On motion of Mr. Rountree, the report of the committee on schools, presented yesterday, was taken up; and

*Ordered*, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Arndt, the Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 5, entitled "A bill to amend an act entitled 'an act for assessing and collecting county revenue;'" and, after some time, the committee rose and reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Ballen the Council again resolved itself into committee of the whole, Mr. Arndt in the chair, for the consideration of resolution No. 5, entitled "Resolution adopting a joint rule relative to adjournments;" and, after some time the committee rose and reported the resolution with an amendment.

The amendment was concurred in, and the resolution ordered to be engrossed for a third reading.

The message from the House of Representatives, received on yesterday, was taken up, and the amendment of the House to the amendment of the Council to bill No. 4, (H. of R.) entitled "A bill to divide the town of Whitewater and to create the town of Richmond," was read and concurred in.

Bills from the House of Representatives, as follows, were separately read a first and second times, viz:

No. 1; A bill to amend the several acts concerning justices of the peace; and,

No. 16; A bill relating to fines and forfeitures.

Memorials from the House of Representatives, as follows, were read and laid on the table, in order to be considered in committee of the whole, viz :—

No. 2. A memorial to Congress on the subject of the western boundary line of Wisconsin Territory ; and,

No. 3. Memorial to Congress for the improvement of certain rivers.

On motion of Mr. Bullen, the Council adjourned.

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*Saturday, January 9, 1841.*

Mr. Bullen presented a petition from citizens of Racine county, for the alteration of the law regulating the rate of toll for grinding,

Which was read and laid on the table.

Mr. Upham presented a petition from citizens of Milwaukee county, to divide the town of summit ;

Which was read and referred to the committee on Incorporations.

Mr. Arnold presented remonstrance of citizens of Milwaukee county against authorizing the building of a bridge across the Kinnikinnick river,

Which was read and referred to the select committee to which the petition on the subject was referred.

The President laid before the Council a communication from the Governor upon executive business,

Which was read and laid on the table.

Mr. Arndt, from committee on engrossed bills, reported as

correctly engrossed, Resolution No. 5, entitled "Resolution adopting a joint rule relative to adjournments."

The resolution was then read the third time and passed; and the question being on the title thereof,

On motion of Mr. Bullen, the same was amended so as to read "Resolution relative to adjournments."

Mr. Learned, from the committee on enrolled bills, reported the following to have been presented, on yesterday, to the Governor for his approval, viz :

"An act relating to the time when the laws passed at the Session of the Legislative Assembly of Wisconsin Territory, of 1840 and 1841, shall take effect."

Mr. Janes in accordance with notice given, obtained leave to introduce bill No. 22, entitled "A bill regulating suits on bills of exchange and promissory notes."

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Arnold, the Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 18, entitled "a bill for the relief of Josiah Moore;" and, after some time, the committee rose and reported the bill without amendment.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Janes, the Council again resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of memorial No. 2, (H. of R.) entitled "a memorial to Congress on the subject of the western boundary line of Wisconsin Territory;" and, after some time the committee rose and reported the same without amendment.

The memorial was thereupon adopted.

The President laid before the Council a communication from

Miles M. Vineyard, Sergeant-at-Arms of the Council, tendering his resignation of that office.

Which was read ; and,

On motion of Mr. Collins,

*Ordered*, That the resignation be accepted.

Mr. Collins then moved that so much of the 46th rule as requires the election of officers of the Council to be *by ballot*, be suspended for the present, and that the Council do now proceed to the election of a Sergeant-at-Arms by nomination and appointment.

The motion having been agreed to,

Mr. Collins nominated James Conner to fill the vacancy occasioned by the resignation of Miles M. Vineyard,

The nomination was confirmed, and the officer elect was called to the Secretary's table, and the oath of office duly administered to him by the President.

On motion of Mr. Bullen, bill No. 8, entitled "a bill explanatory of the act to establish the rate of toll for grinding" was taken up ; and,

Pending the question on the amendment offered by Mr. Martin to the amendment reported by the committee of the whole,

Mr. Martin obtained leave to withdraw the same.

The question was then taken on the amendment of the committee of the whole, and determined in the negative.

Mr. Arnold then moved to amend the bill by adding an additional section, as follows :

Sec. 2. So much of section first of said act as establishes the rate of toll in the county of Milwaukee at one-tenth of all wheat, rye, or other grain, ground and bolted, and the one-twelfth of all wheat, rye or other grain, ground and not bolted, is hereby repealed.

Mr. Arndt then moved to amend the amendment by striking out all before the words "is hereby repealed," and inserting in



place thereof "the first and sixth sections of the act to which this is explanatory."

The motion was disagreed to—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Janes, Martin and Upham.

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Learned, Rountree, Sterling, Vineyard, and Maxwell, (President.)

Mr. Martin then moved to amend the amendment by striking out all before the words "is hereby repealed," and inserting in place thereof, "the proviso contained in the first section of the act of which this is amendatory."

Which was agreed to.

Mr. Martin then moved to amend the bill further by striking out all after the word "explanatory," in the first line of the first section, and inserting in place thereof the words "are hereby repealed."

The motion was agreed to—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Janes, Learned, Martin, Rountree, and Upham.

Those who voted in the negative, are Messrs. Arnold Brigham, Collins, Sterling, Vineyard and Maxwell, (President.)

The bill was then ordered to be engrossed for a third reading.

Mr. Arndt from committee on engrossed bills, reported bill No. 16, entitled "a bill for the relief of Josiah Moore," to be correctly engrossed.

On motion of Mr. Arndt, the Council proceeded to the consideration of Executive business.

The Executive business was disposed of.

The following message was received from the house of Representatives by the clerk thereof, viz :

"Mr. President—I am directed to present the following for the concurrence of this House, viz :

No. 5. A bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of the said Howard.

No. 8. Resolution relative to preparing the laws of the present and August sessions for publication.

No. 9. Resolution relative to the election of Commissioner of public buildings.

No. 27. A bill to provide for the completion of the Capitol at Madison.

"Also, a memorial for your signature, entitled "memorial to Congress for the construction of harbors on the western shore of Lake Michigan."

"Resolution No. 2, of this House, entitled "resolution relative to the survey of the public lands within the Territory" has been concurred in by the House of Representatives."

The President signed the memorial referred to in the foregoing message.

On motion of Mr. Rountree, the Council resolved itself into Committee of the whole, Mr. Learned in the chair, for the consideration of the memorial, No. 3, (H. of R.) entitled "memorial to Congress for the improvement of certain rivers;" and, after some time, the committee rose and reported the memorial with amendments.

And, the first amendment having been read, viz : to strike out the words "which it is confidently believed will be finished within the time limited in the act making the appropriation."

Mr. Martin moved to amend by inserting in place thereof, the words "which we believe will be completed at an early period."

The amendment was agreed to, and the amendment as amended, was concurred in.

The other amendment was then concurred in, and the memorial adopted. On motion of Mr. Collins, the Council adjourned.

*Monday, January 11, 1841.*

Mr. Sterling presented the account of Abner Nichols for the transportation of boxes of public documents.

Referred to committee on claims.

Mr. Brigham presented petitions from inhabitants of Sauk county, as follows :

1. Praying for the privilege of locating the seat of justice in said county by a vote of the people.

Read and referred to committee on territorial affairs.

2. Praying for a territorial road from Haney's ferry, on the Wisconsin river, to the Dells on said river.

3. Praying for a territorial road from Prairie du Sac to Hickock's mill in Iowa county.

Which were referred to committee on territorial roads.

Mr. Upham presented the remonstrance of residents in the county of Milwaukee against building a bridge across the Kinnickinnick river.

Which was read, and referred to the select committee to which the petition on the subject was referred.

The President laid before the Council a communication from the Governor on Executive business.

Which was read, and laid on the table.

Mr. Janes gave notice that he would, at some future day, ask leave to introduce bills, as follows :

A bill to repeal an act therein mentioned, concerning costs and fees ; and,

A bill to incorporate the village of Racine.

Mr. Rountree from the committee on schools, to whom bill No. 10, entitled "a bill to establish a board of education, and

the office of superintendent of public instruction ; and to prescribe their duties," was referred, reported the same to the Council without amendment.

Mr. Learned from the committee on enrolment reported the following to be correctly enroled, viz :

An act to create the town of Richmond, in Walworth county, and the town of Eagle, in Milwaukee county ; and,

Resolution relative to the survey of the public lands within the territory.

Mr. Martin from the committee on the judiciary, to whom bill No. 4, entitled "a bill supplemental to the act concerning testimony and depositions" was referred, reported the same to the Council with amendments.

The bill, with the amendments, was read a second time, and laid on the table to be printed.

Mr. Martin, from the committee on the judiciary, to whom the petition of citizens of Walworth county, on the subject was referred, reported a bill as follows :

No. 23. A bill to legalize the official acts of Thomas McKaig.

The bill was read a first and second times, and laid on the table to be printed.

Mr. Arndt, from committee on engrossed bills, reported the following to have been correctly engrossed, viz :

No. 8. A bill explanatory of an act to establish the rate of toll for grinding ; and,

No. 15. A bill to prescribe the number, duties, and compensation of the officers of the Legislative Assembly, and for other purposes.

The said bills were thereupon read the third time ; and, the question being on the passage thereof,

Mr. Bullen obtained the unanimous consent of the Council to amend the first section of bill No. 8, by striking out the word

"explanatory," and inserting in place thereof, the word "amendatory."

The bills were thereupon passed, and titles having been read, Mr. Bullen moved to amend the title of bill No. 8, by striking out the words "explanatory of," and inserting in place thereof, the words "to amend."

Which was agreed to, and the titles of the bills were thereupon adopted.

Engrossed bill No. 15, entitled "a bill to prescribe the number, duties, and compensation of the officers of the Legislative Assembly and for other purposes," was read the third time, passed and the title was agreed to.

And the ayes and noes having been called for on the passage of the bill,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Martin, Rountree, Sterling and Upham.

Those who voted in the negative, are Messrs. Arndt, Learned, Vineyard and Maxwell, (President.)

Engrossed bill, No. 18, entitled "a bill for the relief of Josiah Moore," was read the third time, passed, and the title was agreed to.

On motion of Mr. Arnold, the Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of memorial No. 3, entitled "memorial of the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock River Canal;" and, after some time, the committee rose and reported the same without amendment.

The memorial was thereupon adopted.

On motion of Mr. Bullen, the Council resolved itself into committee of the whole, Mr. Martin in the chair, for the con-

sideration of bill No. 21, entitled "a bill to provide for the officers of the Legislative Assembly;" and after some time, the committee rose and reported the bill without amendment.

Mr. Arndt then moved to amend the bill by striking out of the first section, the words, "to the President of the Council, and Speaker of the House of Representatives, each, three dollars per day, in addition to their pay as members."

Which was disagreed to—ayes 4, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Upham and Vineyard.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Janes, Learned, Martin, Rountree and Sterling.

Mr. Arnold then moved to strike out in the 8th line of the first section the words "three dollars and fifty cents."

Which was also disagreed to—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Arndt, Collins, Learned, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Martin, Rountree, Sterling, and Upham.

Mr. Arnold then moved to amend by adding "after the words of the House" in the eighth line of the first section, the words, "each four dollars per day, and to;"

Which was likewise disagreed to.

Mr. Martin moved to recommit the bill to the committee on public expenditures, with instructions to bring in a bill allowing to the officers proportionably the same compensation as was allowed at the last annual session, making a reduction on the sums allowed at the last session to each officer of thirty-three and one third per cent., to be allowed as a compensation to the officers of the present session.

The motion was disagreed to—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Martin, Upham and Vineyard.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, James, Learned, Rountree, Sterling and Maxwell, (President.)

Mr. Collins then moved to amend in the first line of the first section, by inserting after the word "allowed," the words "at the present session of the Legislature ;"

Which was agreed to.

Mr. Arnold then moved to strike out in the third line of the first section, the word "three" before "dollars," and insert in place thereof, the word "two."

Mr. Collins moved to amend the amendment by inserting in place of the word "two," the words "fifty cents ;"

Which motion was disagreed to.

The question then recurred on the motion of Mr. Arnold ;

And it was determined in the negative—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, James, Upham and Vineyard.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Learned, Martin, Rountree and Sterling.

And the question then being put on ordering the bill to be engrossed for a third reading, it was determined in the affirmative—ayes 9, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, James, Learned, Martin, Rountree, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins and Vineyard.

On motion of Mr. Brigham,

Bill No. 5, from the House of Representatives, entitled "A bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard," was read the first and second times, and referred to the committee on the judiciary.

Resolution from the House of Representatives, as follows, were read a first and second times, and ordered to be considered in committee of the whole.

No. 8. Resolution relative to preparing the laws of the present and August session for publication; and,

No. 9. Resolution relative to the election of a Commissioner of Public Buildings.

On motion of Mr. Brigham,

The Council then resolved itself into committee of the whole, Mr. Janes in the chair, for the consideration of resolution No. 8, entitled "Resolution relative to preparing the laws of the present and August sessions for publication;"

And after some time committee rose, reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 3. Memorial to the Legislative Assembly in behalf of the settlers upon even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock River Canal.

And then the Council adjourned.



*Tuesday, January 12, 1841.*

Mr. Bullen presented the petition of citizens of the county of Racine on the subject of the abolition of the present county commissioners' system.

Read and referred to select committee to whom petition on the subject had been previously referred.

Mr. Vineyard presented the memorial of James Clarke asking for remuneration for losses in the printing of certain laws of the Territory.

Referred to committee on claims.

The President laid before Council two petitions from citizens of Walworth county, as follows :

1. Praying for the appointment of a superintendent of public instruction, and recommending the Rev. I. A. Parsons, of Racine county, for said office.

Which was referred to committee on schools.

2. Praying for a change in the present system of county government.

Which was referred to the select committee to whom petitions on the subject had been referred.

The President also laid before Council a communication from the Governor on Executive business.

Read and laid on the table.

Mr. Learned, from the committee on enrolment, reported that a " memorial to Congress for the construction of harbors on the western shore of Lake Michigan," had been presented to the Governor for his approval on Saturday last.

Also, that a memorial to Congress for the improvement of

ertain rivers;" had been examined, and was found to be correctly engrossed.

Mr. Arndt, from committee on engrossed bills, reported bill No. 21, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly," to be correctly engrossed.

The said bill was then read the third time, passed, and the title was agreed to.

On motion of Mr. Janes,

Bill No. 1, "a bill relating to sheriffs," was taken up, and the question being on the passage thereof,

It was determined in the affirmative.

The title was thereupon read and agreed to.

Mr. Janes in accordance with notice given, obtained leave to introduce bills as follows :

No. 24. A bill to incorporate the village of Racine ; and,

No. 25. A bill to repeal a certain act therein mentioned, relating to costs and fees, and for other purposes.

Which bills were severally read a first and second times, and ordered to be laid on the table to be printed.

Mr. Learned, in accordance with notice given, obtained leave to introduce bill No. 26, entitled "a bill to restrain pedlars and other persons from trading without licence."

Which was read a first and second times, and laid on the table to be printed.

The following message was received from the House of Representatives by the clerk thereof :

"Mr. President—I am directed to ask the concurrence of this House in memorial No. 4, entitled 'memorial to Congress concerning pre-emption rights to mineral and other lands,' and to inform you that the Governor has notified the House of Representatives that he did on the 9th inst. approve 'an act relating to the time when the laws passed at the session of the Legislative Assembly of Wisconsin of 1840 and 1841 shall take

effect,' and that he did on yesterday the 11th instant, approve "a memorial to Congress praying an appropriation for harbors on the western shore of Lake Michigan."

And that the amendments to memorial No. 3, entitled "memorial to Congress for the improvement of certain rivers, have been concurred in.

I am further directed to present the following for your signature, viz :

Resolution relative to the survey of public lands within the Territory.

Memorial to Congress for the improvement of certain rivers ; and an act to create the town of Richmond in Walworth county and the town of Eagle in Milwaukee county."

The President signed the resolution and memorial referred to in the foregoing message.

On motion of Mr. Upham, the Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,

The Council resumed the consideration of resolution No. 3, (H. of R.) entitled "Resolution relative to preparing the laws of the present and August sessions for publication," in committee of the whole, Mr. Janes in the chair ; and after some time, the committee rose and reported the same without amendment.

The resolution was thereupon ordered to a third reading.

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Martin in the chair, for the consideration of bill No. 16, (H. of R.) entitled a bill relating to fines and forfeitures ;"

After some time the committee rose, reported progress, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Rountree,

The Council again resolved itself into committee of the whole,

Mr. James in the chair, for the consideration of bill No. 16, entitled "a bill to amend an act entitled an act to provide for the support of common schools, and for other purposes," and the amendment reported thereto;

And after some time, the committee rose and reported the amendments to the bill with an amendment,

The amendments as amended were thereupon concurred in.

Mr. James then moved to lay the bill upon the table.

The motion was disagreed to.

Mr. Martin then moved further to amend the bill by striking out, in the 6th line of the first section, the words "one-fourth of one per cent.," and insert in place thereof, "one mill."

Which was disagreed to—ayes 3, noes 10.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Martin and Sterling.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Learned, Rountree, Upham, Vineyard and Maxwell, (President.)

Mr. Martin then moved to amend the bill in the same line and section, by striking out one-fourth of one per cent., and inserting in place thereof, "two mills."

Which was also disagreed to—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Bullen, Collins, Janes, Learned, Rountree, Upham and Vineyard.

Mr. Bullen moved to strike out the second section of the bill.

Which was disagreed to.

Mr. Collins moved to amend the first section, in the fourth and fifth lines, by striking out the words "it shall be the duty of the county commissioners in each county to," and inserting

in place thereof the words "the commissioners in each county may, in their discretion."

Which was agreed to.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Martin,

The Council was resolved into committee of the whole, Mr. Bullen in the chair, for the consideration of bill No. 20, entitled "a bill to amend the act of the revised statutes, entitled 'an act concerning the writ of attachment ;' "

And after some time, the committee rose and reported by their chairman, that they had made progress in the business before them and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Arnold the Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 1, (H. of R.) entitled "a bill to amend the several acts concerning justices of the peace;" and, after some time, the Committee rose and reported that they had stricken out all after the enacting clause.

And, pending the question on agreeing to the report of the committee,

On motion of Mr. Bullen,

*Ordered*, That the bill and report be laid on the table.

On motion of Mr. Bullen,

The Council resolved itself into committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 20, entitled "a bill to establish a board of education, and the office of superintendent of public instruction, and to prescribe their duties."

And after some time, the committee rose, reported progress, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Vineyard, the Council adjourned.

*Wednesday, January 13, 1841.*

The President laid before Council two communications from the Governor, as follows :

1. On Executive business; and,
2. Notifying the Council that he had this day examined and approved a "resolution relative to the survey of the public lands within the Territory."

Mr. Arndt presented the following :

No. 6. Resolution relative to the adjournment of the Legislature :

Which was read a first and second times, and laid on the table to be printed.

Mr. James from the committee on enrolment reported that they had examined "a memorial to Congress on the subject of the western boundary line of Wisconsin Territory," and found the same to be correctly enroled.

Mr. Learned from the same committee, reported that on yesterday the following were presented to the Governor for his examination and approval, viz :

An act to create the town of Richmond in Walworth county and the town of Eagle in Milwaukee county.

Resolution relative to the survey of the public lands within the Territory.

Memorial to Congress for the improvement of certain rivers.

Mr. Sterling, from the committee on territorial affairs made report as follows :

The committee on Territorial affairs, to whom was referred so much of the Governor's message as relates to the formation of a State Government, report

That it appears from a communication of the Secretary of the Territory, that the whole number of votes polled on the 28th day of September, 1840, in favor of the formation of a State Government, was ninety-two, against the formation of a State Government four hundred and ninety-nine; Your committee therefore deem it inexpedient, at this time, to recommend any further legislative action upon the subject.

Which was read and laid on the table.

Mr. Martin, from the committee on the judiciary, to whom the subjects were referred, made report, as follows:

The judiciary committee, to which was referred the petition of citizens of Walworth county praying for an act prohibitory of certain animals running at large; Report—

That the subject of their petition is comprised in the laws in reference to town and county government, now undergoing revision by a select committee;—They ask to be discharged.

The Judiciary committee, to which was also referred the petition of Samuel Hinman and others, praying the repeal of the law regulating the sale of intoxicating drinks within this Territory, Report:

The petition sets forth, that, if the sale of intoxicating drinks is morally right, it ought not to be taxed, and if morally wrong it ought to be prohibited. Although the committee believe that the immoderate use of intoxicating liquors is morally wrong, and ought to be discountenanced, by every citizen, yet it does not of necessity follow, that such legal restrictions ought to be imposed upon their sale, as to forbid the use of them. Such enactment would be a violation of the constitutional rights secured to that portion of our citizens, who may be engaged in commercial pursuits. Nor, on the other hand, if the use of liquors were morally right, would it necessarily follow that the sale of them should be free from all restraint.

Our laws, regarding intoxicating drinks as luxuries, have ha-

posed a tax upon those who deal in them. So far as this tax operates to enhance their price, it constitutes a restriction upon that branch of commerce, but the committee believe such restrictions only to be the result of public necessity, and therefore constitutional. This has been adopted by our laws as a source of revenue, and it is deemed unwise and impracticable to change the present salutary regulations on the subject. The committee asked to be discharged.

The reports were read; and

Ordered, That the committee be discharged from the further consideration of the subjects herein referred to.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 18. A bill to amend an act to provide for the support of common schools and for other purposes ;

Which bill was thereupon read the third time ; when

Mr. Collins obtained the unanimous consent of Council to amend the same by striking out the words, "in their discretion," in the sixth line of the first section, and the words "is hereby repealed," in the third line of the second section.

The question then being put on the passage of the bill it was decided in the affirmative—ayes 9, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Collins, Learned, Rosatree, Sterling, Upham, Vineyard, and Maxwell, (President,)

Those who voted in the negative, are Messrs. Arndt, Bullen, James and Martin.

The title thereof was then read and agreed to.

Resolution from the House of Representatives, No. 8, entitled "resolution relative to preparing the laws of the present and August session for publication" was read the third time, passed, and the title was agreed to.



Mr. Upham, in accordance with notice given, obtained leave to introduce bill No. 27, entitled "a bill supplemental to an act entitled an act concerning grand and petit jurors;"

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Sterling,

The Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of bill No. 17, entitled "a bill to amend the several acts of the Territory to authorise the levy and collection of taxes."

And after some time, the committee rose and reported the bill with an amendment.

The amendment was concurred in; when

Mr. Upham moved to amend the bill further, by striking out in the ninth line of the first section the words "one mill," and inserting "two mills" in place thereof.

The amendment was lost.

Mr. Collins then moved to strike out the fourth section of the bill.

The motion was disagreed to.

Mr. Arndt then moved to amend further, by adding several sections, as follows:

Sec. 5. That if the taxes are not paid to the collector on or before the first Monday of October, he shall proceed to collect the same by distress and sale of the goods and chattels of the persons charged, or, of the person found in possession of the lands or town lots charged with such unpaid taxes, giving six days' notice of the time and place of such sale, by written notices set up in three of the most public places of said county.

Sec. 6. If the collector of any county shall have failed to levy upon any personal property as provided in the foregoing section, he may omit to offer for sale such lands upon which there may be found personal property chargeable with the pay.

ment of the taxes unpaid on the second Monday of December, and may lay distress upon said personal property at any time before the first day of April following.

Sec. 7. The several collectors of the different counties of the Territory, now in office, shall hold the same until the first Monday of July next, and the term of office of the several collectors elected at the annual election in September last, shall commence on the first Monday in July aforesaid, and the term of office of all county collectors hereafter elected, shall commence on the first Monday of July in each year.

Sec. 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Mr. Martin then moved to amend the amendment by leaving out the sixth section.

Which was agreed to, and the amendment as amended was adopted.

Mr. Martin then moved to amend the first section of the bill by adding thereto, as follows: Provided, that nothing in this act contained shall prohibit the county commissioners of Milwaukee from raising a sufficient sum of money to defray the expense of building the bridge authorized by law to be built across the Milwaukee river.

Which was also agreed to.

Mr. Upham then moved to amend by adding a section thereto, as follows:

Sec. 5. That so much of the 20th section of the act aforesaid as makes it the duty of the collector, in his notice of the sale of lands or town lots published in the newspaper or posted up at the door of the Court House, to describe each tract of land, or town lot, intended to be sold, in such notice, is hereby repealed.

The motion was agreed to.

Mr. Arnold then moved to amend the fourth section, so as to read as follows:

Sec. 4. All sales of land shall be void unless the collector shall have returned the taxes on said lands, as unpaid, accompanied by his return in writing that no goods or chattels could be found, on which to levy the same, exempt from execution.

Which motion was also agreed to.

Mr. Brigham then moved to amend the first section of the bill, by inserting after the word "that," in the first line, the words following: "All taxes levied by the board of county commissioners shall be based upon an estimate by them made, which estimate shall be entered upon the journals of said board, and,"

The motion was agreed to.

Mr. Arnold then moved to amend the bill by prefixing the following section:

Sec. 1. That, for the purpose of raising a revenue to defray the public charges and expenses in the several counties in the Territory, it shall be the duty of the county commissioners in their respective counties to levy taxes on the following property, to wit:—all lands and town lots, which are not exempt from taxation by the laws of the United States or of this Territory, and not including buildings thereon; and all personal property not exempt from execution, excepting, libraries, tools of mechanics, and agricultural implements, and on all stock actually paid in in any incorporated company.

And pending the question thereon.

On motion of Mr. Collins,

The bill was laid on the table.

On motion of Mr. Jones,

The Council resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 33, en-

itled "a bill regulating suits on bills of exchange and promissory notes."

And after some time the committee rose and reported the bill with an amendment;

The amendment was concurred in; and

The question was then taken on ordering the bill to be engrossed for a third reading, and determined in the negative—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, James, Winyard and Maxwell, (President).

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Calfins, Learned, Sterling, Martin, Rountree, and Upham.

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President—The House of Representatives have concurred in the following bills, memorial, and resolution of this House, viz:

No. 2. A bill changing the boundary lines of certain counties:

No. 18. A bill for the relief of Josiah Moore:

No. 2. Resolution relative to adjournment:

No. 2. Memorial to Congress for the survey and construction of a rail way from Lake Michigan to the river Mississippi.

I am directed to present the following for the concurrence of this House, viz:

No. 31. A bill relative to the duties of the Secretary of the Territory:

No. 10. Resolution relative to the university lands:

No. 5. Memorial to Congress relative to school lands:

Also, for signature, a "memorial to Congress on the subject of the western boundary line of Wisconsin Territory."

The Governor has notified the House of Representatives that he did on this day approve the following, viz :

An act to create the town of Richmond in Walworth county, and the town of Eagle in Milwaukee county.

Memorial to Congress for the improvement of certain rivers.

The President signed the memorial referred to in the foregoing message.

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 4, entitled "a bill supplemental to the act concerning testimony, and depositions, with the amendments reported thereon."

And after some time the committee rose, reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Upham, the Council adjourned.

### Thursday, January, 14, 1841.

The President laid before the Council a communication from the Governor on Executive business;

Which was read and laid on table.

Mr. Learned gave notice that he would at some future day ask leave to introduce a bill supplemental to the act regulating marriages.

On motion of Mr. Collins,

Resolved, That the committee on the judiciary are instructed to enquire into the expediency of establishing in this Territory one or more mutual insurance companies; and that they report by bill or otherwise.

Mr. Learned from the committee on enrolment, reported the following as correctly enroled, viz :

An act changing the boundary lines of certain counties,

An act for the relief of Josiah Moore,

Resolution relative to adjournment,

Memorial to Congress for the survey and construction of a railway from Lake Michigan to the Mississippi river :

And that, on yesterday, the 13th, the following memorial was presented to the Governor for his approval, viz :

Memorial to Congress on the subject of the western boundary line of Wisconsin Territory.

On motion of Mr. Brigham bill No. 14, entitled "a bill to enlarge the boundaries of Portage county and for other purposes," was taken up, and recommitted to the committee of the whole, Mr. Arnold in the chair ;

After some time, the committee rose and reported progress in the business before them, and, asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Martin the committee resumed, in committee of the whole, Mr. Arndt in the chair, the consideration of bill No. 20, entitled "a bill to amend the act of the revised statutes, entitled, "an act concerning the writ of attachment."

And, after some time the committee rose and by their chairman reported the bill with amendments.

The amendments were concurred in.

And pending the question on ordering the bill to be engrossed for a third reading.

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President—I am directed to present the following for your signature, viz :

An act changing the boundary lines of certain counties ;

An act for the relief of Josiah Moore ;

Resolution relative to adjournments ;

Resolution relative to preparing the laws of the present and August sessions for publication, and,

Memorial to Congress for the survey and construction of a railway from Lake Michigan to the river Mississippi.

" Also, the following for the concurrence of this House, viz :

No. 10. A memorial to Congress to extend the jurisdiction of justices of the peace.

" And to inform you that memorial No. 3, entitled " memorial of the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States, by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal," has been concurred in by the House of Representatives.

And that the Governor has notified the House that he did on this day approve a memorial to Congress on the subject of the western boundary line of Wisconsin Territory.

The President signed the acts, resolution and memorial referred to in the foregoing message.

The question again recurring on ordering bill No. 20, to be engrossed for a third reading ;

Mr. Arnold moved further to amend the bill by striking out the fifth section and inserting in lieu thereof, as follows :

Sec. 5. No attachment issued under the provisions of this act, at the suit of any person who is not a freeholder or a resident of said county, shall be served by the sheriff or other officer, unless the same shall be endorsed by some freeholder of the county as security for costs.

Which was disagreed to.

Mr. Arndt then moved to strike out the seventh section.

Which was agreed to.

Mr. Arnold moved to amend by striking out all between the word " debtor" in the second line of the fourth section, and the

words "the same property" in the third line, and inserting the word "provided," in place thereof.

Which was also agreed to.

Mr. Arnold moved further to amend the first section by striking out all after the word "before" in the second line of the second section to the words "which shall be filed &c." in the third line, and inserting in place thereof as follows: "a Judge of the District Court, Supreme Court Commissioner, a Clerk of the District Court;"

Which was disagreed to.

Mr. Janes then moved to lay the bill on the table.

The motion was lost.

Mr. Collins moved further to amend by inserting after the word "oaths," in the third line of the section, the words "within the Territory."

Which was agreed to.

Mr. Janes then moved to amend by striking out all after the word "action," in the fifth line, to the end of the section, and inserting in place thereof, as follows: "upon any contract, express or implied, or upon judgment."

The motion was disagreed to.

The question was then taken on ordering the bill to be engrossed for a third reading, and determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Learned, Rountree, Upham and Vineyard.

On motion of Mr. Janes the Council resumed, in committee of the whole, Mr. Arndt in the chair, the consideration of bill No. 4 entitled "a bill supplemental to the act concerning testimony and depositions," and, after some time the committee



nose, and by their chairman reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Brigham, the Council adjourned.

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*Friday, January 15, 1841.*

The President laid before the Council a communication from the Governor, notifying the Council that he did on this day approve the following :

An act changing the boundary lines of certain counties.

An act for the relief of Josiah Moore ;

Resolution relative to adjournments ; and,

Memorial to Congress for the survey and construction of a railway from Lake Michigan to the river Mississippi.

Mr. Rountree presented the claim of Messrs. Collier and Petrus, of St. Louis.

Which was referred to the committee appointed to investigate the accounts of Moses M. Strong, late fiscal agent.

On motion of Mr. Collins,

*Resolved*, That the committee on the judiciary are instructed to enquire into the expediency of a law to enable landlords to collect rents on their own warrant ; and, that they report by bill or otherwise.

Mr. Learned from the committee on enrolment, reported the following to be correctly enroled, viz :

Resolution relative to preparing the laws passed at the present and August sessions for publication ; and,

Memorial of the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States by the law

granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal.

Also, the following had yesterday been presented to the Governor for his approval, viz :

An act changing the boundary lines of certain counties ;

An act for the relief of Josiah Moore ;

Resolution relative to adjournments ; and,

Memorial to Congress for the survey and construction of a railway from Lake Michigan to the river Mississippi.

Mr. Arndt, from the committee on engrossed bills, reported bill No. 20, entitled " a bill to amend the act concerning the writ of attachment," to be correctly engrossed.

The said bill was thereupon read the third time ; and pending the question on the passage thereof,

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—I am directed to present for your signature the following memorial, entitled,

Memorial of the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal.

And to inform you that Messrs. Brunson and Dewey have been appointed on the part of the House of Representatives of the joint committee under resolution No. 4, of this House, relative to the Library."

The President signed the memorial referred to in the foregoing message.

Mr. Collins then moved that the previous question be taken on the passage of bill No. 20.

Which was decided in the affirmative.

The question was then put on the passage of the bill and it was carried in the affirmative—ayes 7, noes 6.

And the eyes and noses being called for,

Those who voted in the affirmative are Messrs. Arnold, Arndt, Brigham, Collins, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Jones, Learned, Rountree. Upham and Vineyard.

The title was then read and agreed to.

On motion of Mr. Sterling, the Council adjourned.

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*Saturday, January 16, 1841.*

The President laid before the Council two communications from the Governor, as follows :

1. On Executive business ; and
2. Notifying the Council that he had this day examined and approved a " memorial of the Legislative Assembly, in behalf of the settlers on the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal ;

Which were read and laid on the table.

Mr. Learned from the committee on enrolment, reported that a " memorial of the Legislative Assembly in behalf of the settlers upon the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal," had, on yesterday, been presented to the Governor for his signature.

On motion of Mr. Martin,

The Council was resolved into committee of the whole, Mr. Rountree in the chair, for the consideration of resolution No. 6, entitled " Resolution relative to the adjournment of the Legislature ;"

And after some time the committee rose, and reported the resolution without amendment.

And the question then being on ordering the resolution to be engrossed for a third reading, it was determined in the negative — ayes 5, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Martin, Rountree and Vineyard.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Jones, Learned, Sterling, Upham and Maxwell, (President.)

On motion of Mr. Martin,

Bill No. 17, entitled "a bill to amend the several acts of the Territory to authorize the levy and collection of taxes," was taken up, and ordered to be recommitted to the committee of the whole.

The Council thereupon resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of said bill ;

After some time, the committee rose and by their chairman reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Arnold, the Council adjourned.

*Monday, January 18, 1841.*

The President laid before the Council two communications from the Governor, as follows.

1. On Executive business; and
  2. Transmitting copy of a letter from Collier and Pettus, of St. Louis, in relation to their claims against the Territory ;
- Which were read and laid on the table.

Mr. Brigham presented the petition of citizens of Brown county, praying that that portion of the county of Portage, known as the Wisconsin Pinery, may be attached to the county of Dane, for judicial purposes.

Read and referred to the committee on territorial affairs.

Mr. Sterling presented the claim of Samuel H. Davis, for stationery used by Legislative Assembly at their session in 1836, with additional testimony in relation thereto.

Referred to committee on claims.

Mr. Sterling also obtained leave to withdraw from the file of the Council, sundry papers heretofore presented, in relation to claim mentioned above, and had the same referred to committee on claims.

Mr. Learned according to notice given, obtained leave to introduce bill no 28. entitled " a bill supplemental to the act regulating marriages ;"

Which was read a first and second times, and laid on the table to be printed.

On motion of Mr. Arndt,

The consideration of bill No. 17, entitled " a bill to amend the several acts of the Territory to authorise the levy and col-

lection of taxes," was resumed in committee of the whole, Mr. Bullen in the chair.

The clerk of the House of Representatives being announced, the President took the chair, when the following message was received, viz :

" Mr. President—I am directed to present for the concurrence of this House, the following bill and memorial :

No. 22, A bill to provide for a special election in the town of Burlington, in the county of Racine ; and

No. 6, Memorial for an appropriation to improve the rapids of the Mississippi river.

" And also directed to inform this House that bill No. 15, entitled " a bill to prescribe the number, duties and compensation of the officers of the Legislative Assembly, and for other purposes," has been concurred in by the House of Representatives, with amendments thereto, in which the Council is requested to concur."

The committee of the whole resumed its session ; and

After some time the committee rose, reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Jades,

The Council resolved itself into committee of the whole, Mr. Arndt in the chair, for the consideration of bill No. 24, entitled " a bill to incorporate the village of Racine ;"

And after some time the committee rose, reported progress therein, and asked leave to sit again thereon.

And, pending the question on granting leave,

On motion of Mr. Collins,

The Council adjourned until 3 o'clock, P. M.

*Three O'clock, P. M.*

On motion of Mr. Arndt,

The Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 10, entitled "a bill to incorporate the Fond du Lac Company;"

After some time the committee rose, and reported the bill with amendments.

And pending the question on concurring in the amendments of the committee.

On motion of Mr. Arnold,

The bill was laid on the table.

On motion of Mr. James,

The Council again resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 13, entitled "a bill concerning proceedings in district courts;"

And after some time, the committee rose and reported the bill without amendment.

Mr. Upham then moved to amend the fourth section, by striking out the fifth, sixth and seventh lines, and inserting in place thereof, as follows :

III. If the party required to make the discovery shall deny, on oath, that since the commencement of the suit in which the discovery is sought, neither himself, agent, or attorney, has had the possession or control of the books papers, or documents, ordered to be produced.

The amendment was disagreed to.

And pending the question on ordering the bill to be engrossed for a third reading,

On motion of Mr. Martin,

The bill was committed to the committee on the judiciary.

On motion of Mr. Martin,

The Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of bill No. 23, entitled "a bill to legalize the official acts of Thomas McKaig;"

And after some time, the committee rose and reported the bill with an amendment.

The amendment was agreed to, and the bill ordered to be engrossed for a third reading—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Learned, Martin, Rountree, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Collins, Janes, Sterling and Vineyard.

On motion of Mr. Upham,

The Council was again resolved into committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 27, entitled "a bill supplemental to an act concerning grand and petit jurors;"

And after some time, the committee rose and reported the bill with amendments.

And pending the question on concurring in the report of the committee,

On motion of Mr. Martin,

The same was laid on the table.

On motion of Mr. Martin, the Council adjourned.



*Tuesday, January 19, 1841.*

The President laid before the Council a communication from the Governor, on Executive business.

Read and laid on the table.

Mr. Vineyard presented the petition of citizens of the Territory, praying the establishment of the office of superintendent of common schools.

Read and referred to committee on schools.

Mr. Arndt, from committee on engrossed bills, reported bill No. 23, entitled "a bill to legalize the official acts of Thomas McKaig," to be correctly engrossed.

Mr. Learned, from the select committee, to whom the petition on the subject was referred, reported a memorial, as follows :

No. 4. Memorial to Congress on the subject of the sale of public lands in the county of Crawford;

Which was read and laid on the table to be printed.

Engrossed bill, No. 23, entitled "A bill to legalize the official acts of Thomas McKaig," was read the third time;

And the question being on its passage, it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Learned, Martin, Rountree, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Collins, Janes and Sterling.

The title was then read and agreed to.

On motion of Mr. Martin,

The consideration of bill No. 17, entitled "a bill to amend

the several acts of the Territory to authorize the levy and collection of taxes," was again resumed in committee of the whole, Mr. Brigham in the chair.

The clerk of the House of Representatives being announced, the President took the chair, when the following message was received :

"Mr. President—I am directed to present for the concurrence of this House, the following bills and memorial, to wit :

No. 33. A bill to amend an act relating to the duties of auctioneers ;

No. 26. A bill to provide for the punishment of the offence of firing woods and prairies, and to amend the criminal code ; and

No. 8. Memorial of the Legislative Assembly of the Territory of Wisconsin, relative to changing the organic law.

"I am also further instructed to inform you that bill No. 21, (C. F.) entitled, "a bill to provide for the compensation of the officers of the Legislative Assembly," has been concurred in by the House of Representatives, with amendments thereto, in which the concurrence of this House is requested."

The committee of the whole resumed its session ;

And after some time the committee rose, and by their chairman reported the bill had under consideration with amendments thereto.

And pending the question on concurring in the amendments of the committee,

On motion of Mr. Rountree,

Ordered, That the bill and amendments be laid on the table for the purpose of being printed.

On motion of Mr. Janes,

The Council resumed, in committee of the whole, Mr. Sterling in the chair, the consideration of bill No. 4, entitled "a bill supplemental to the act concerning testimony and depositions ;"

On motion of Mr. Arnold,

The same was laid on the table.

On motion of Mr. Arndt,

The Council resumed in committee of the whole, Mr. Learned in the chair, the consideration of bill No. 14, entitled "a bill to enlarge the boundaries of Portage county, and for other purposes ;"

And after some time the committee rose and reported the bill without amendment.

And pending the question on ordering the bill to be engrossed for a third reading,

On motion of Mr. Arndt,

The bill was referred to the committee on territorial affairs.

On motion of Mr. Upham,

The Council resumed, in committee of the whole, Mr. Bullen in the chair, the consideration of bill No. 16, (H. of R.) entitled "a bill relating to fines and forfeitures ;"

And after some time, the committee rose and reported the bill with an amendment,

The amendment was concurred in, and the bill ordered to a third reading.

On motion of Mr. Bullen,

The Council resumed, in committee of the whole, Mr. Upham in the chair, the consideration of bill No. 10, entitled "a bill to establish a board of education and the office of superintendent of public instruction and to prescribe their duties ;"

And after some time the committee rose, and reported the bill, as negatived by striking out the enacting clause.

The question then being on concurring in the report of the committee, it was determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Martin, Sterling, Upham and Maxwell, (President.).

Those who voted in the negative, are Messrs. Bullen, Collins, Janes, Learned, Rountree and Vineyard.

On motion of Mr. Upham;

The Council adjourned until 3 o'clock, P. M.

### *Three O'clock, P. M.*

The amendments of the House of Representatives to bill No. 15, entitled "A bill to prescribe the number, duties and compensation of the officers of the Legislative Assembly, and for other purposes, were taken up and concurred in.

The amendments of the House to bill No. 21, entitled "a bill to provide for the compensation of the officers of the Legislative Assembly," were then taken up, and the first amendment was read, viz: "Insert after the words (*Clerk of the House*), the words (*five dollars each per day, and to the*,"") and the question being on concurring therein, it was determined in the negative—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Collins, Learned, Sterling, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Brigham, Bullen, Janes, Martin, Rountree and Upham.

The second amendment was then read, viz: "Strike out the words (*three dollars and fifty cents*) after the words (*respectively each*), and insert in place thereof the words (*four dollars*,"") and the question being on concurring therein, it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt,

Collins, Learned, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Martin, and Rountree.

The third amendment was then read and concurred in.

Bills and a resolution from the House of Representatives, as follows, were read a first and second times, viz :

No. 20. A bill to incorporate the village of Southport :

No. 22. A bill to provide for a special election in the town of Burlington in the county of Racine :

No. 26. A bill to provide for the punishment of the offence of firing woods and prairies, and to amend the criminal code :

No. 27. A bill to provide for the completion of the Capitol at Madison :

No. 31. A bill relative to the duties of the Secretary of the Territory :

No. 33. A bill to amend an act relating to the duties of auctioneers ; and

No. 10. Resolution relative to the university lands.

Bill No. 27 was then referred to the committee on territorial affairs ; and the remainder of the bills to the committee of the whole.

Memorials from the House of Representatives, as follows, were read and referred to the committee of the whole, viz :

No. 5. Memorial to Congress relative to school lands :

No. 6. Memorial for an appropriation to improve the rapids of the Mississippi river :

No. 8. Memorial of the Legislative Assembly of the Territory of Wisconsin relative to changing the organic law ; and

No. 10. A memorial to Congress to extend the jurisdiction of justices of the peace.

Memorial No. 4, (H. of R.) entitled, " memorial to Congress concerning pre-emption rights to mineral and other lots," was

read and referred to the select committee to whom that portion of the Governor's message on the subject was referred.

On motion of Mr. Vineyard,

The report of the commissioner of Public Buildings was taken up; when

Mr. Vineyard moved that the same be printed.

The motion was disagreed to.

On motion of Mr. Vineyard,

The report was then referred to the committee on Territorial affairs.

On motion of Mr. Martin,

The Council resolved itself into committee of the whole, Mr. Jones in the chair, for the consideration of memorials from the House of Representatives, as follows:

No. 9. Memorial of the Legislative Assembly of the Territory of Wisconsin relative to changing the organic law; and

No. 10. A memorial to Congress to extend the jurisdiction of justices of the peace.

And after some time the committee rose, and reported progress on memorial No. 9, and asked leave to sit again thereon; and memorial No. 10, with an amendment.

The committee had leave to sit again on memorial No. 9, and the amendment to No. 10, was concurred in.

Mr. Arnold moved to lay the same on the table.

The motion was disagreed to.

The question was then put on the adoption of the memorial, and determined in the affirmative—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bingham, Bullen, Collins, Jones, Learned, Martin, Rountree, Sterling and Upham.

Those who voted in the negative, are Messrs. Arnold, Vineyard and Maxwell, (President.)

On motion of Mr. Janes, the Council adjourned.

### Thursday, January, 21, 1841.

Mr. Martin presented the memorial of inhabitants of Watertown, in the county of Jefferson, in relation to the removal of the Seat of Government, and proposing to erect buildings at that place, (on the original plan of the capitol at Madison) for the accommodation of the Legislative Assembly, to be presented to the Territory for that purpose, with five or ten acres of land.

Read, and referred to the committee on territorial affairs.

On motion of Mr. Arndt, the following resolutions were read and adopted, viz:

*Resolved*, That the Attorney General of the Territory, be requested to report to this House what has been done in the suit of the Territory against the Wisconsin Bank; and to report as soon as practicable.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the election laws as to require every elector to vote within his own town, ward or precinct, and further to enquire whether any, and what alterations in said laws are necessary; and that they be required to report by bill or otherwise.

Mr. Collins offered the following, which was read a first and second times, and laid on the table to be printed, viz:

N<sup>o</sup>. 7. Resolution relative to the examination of the Mineral Point Bank.

Mr. Arndt, from the select committee to which the petition

of citizens of Brown county on the subject was referred, reported bill No. 29, entitled "a bill to amend an act entitled an act concerning the lien of mechanics and others, for the cost of repairs and improvements on real estate."

Which was read a first and second times, and laid on the table to be printed.

Bill No. 16, (H. of R.) entitled "a bill relating to fines and forfeitures," was read the third time, passed, and the title was agreed to.

On motion of Mr. Rountree, the Council proceeded to the consideration of Executive business.

The Executive business was disposed of.

Mr. Upham moved a reconsideration of the vote of yesterday by which the Council refused to concur in the first amendment of the House of Representatives to bill No. 21, entitled "a bill to provide for the compensation of the officers of the Legislative Assembly."

The motion to re-consider was agreed to—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Collins, Learned, Sterling, Upham, Vineyard, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Brigham, Bullen, Janes, Martin, and Rountree.

The question then recurred on concurring in the said amendment, viz: "To insert after the words [Clerk of the House] the words [five dollars each per day, and to the;] when

Mr. Martin moved to amend the amendment by striking out "five," and inserting in place thereof "four and a half."

Which was disagreed to—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Janes, Martin, and Rountree.



Those who voted in the negative, are Messrs. Arnold, Collins, Learned, Sterling, Upham, Vineyard, and Maxwell, (President.)

Mr. Martin then moved to amend the amendment by striking out "five dollars," and inserting "four dollars and seventy-five cents," in place thereof.

Mr. Collins moved to insert "four dollars and eighty-seven and a half cents," in place of the words proposed to be stricken out.

Which motion was unanimously rejected.

The question then recurred on the motion of Mr. Martin,

Which was determined in the negative—ayes 4, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Janes, and Martin.

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Learned, Sterling, Upham, Vineyard, and Maxwell, (President.)

Mr. Martin moved to adjourn.

The motion was lost.

The question was then put on concurring in the amendment of the House of Representatives, and determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Collins, Learned, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Brigham, Bullen, Janes, Martin, and Roupree.

On motion of Mr. Martin, the Council adjourned.

*Friday, January 22, 1841.*

On motion of Mr. Arndt,

*Resolved*, That a committee of three be appointed to inquire how far the person appointed by this Legislature to prepare the laws of the August and present sessions for publication has proceeded, and in what manner the duties are performed.

Messrs. Arndt, James and Rountree, were appointed the committee.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enrolled, viz :

An act to prescribe the number, duties and compensation of the officers of the Legislative Assembly, and for other purposes ; and

An act to provide for the compensation of the present officers of the Legislative Assembly.

Mr. Sterling, from the committee on territorial affairs, made report, as follows :

"The committee on territorial affairs, to whom was referred the petition of the citizens of Portage county, praying to be attached to the county of Dane for judicial purposes ; also, the petition of the citizens of Brown county, praying that the Wisconsin Pinery be also attached to the county of Dane for judicial purposes, have instructed me to report back to the Council bill No. 14, which was referred to them, entitled "A bill to enlarge the boundaries of Portage county, and for other purposes ;" to which they have made some amendments, and would respectfully recommend their adoption."

Bill No. 14, with amendments, was then read a second time ; and

On motion of Mr. Arndt,  
The amendments to said bill were ordered to be printed.

On motion of Mr. Collins,  
The Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of resolution No. 7, entitled "Resolution relative to examination of the Mineral Point Bank;"

And after some time, the committee rose and reported the resolution without amendment.

Mr. Arnold then moved to amend the resolution in the second line thereof by striking out "two members," and inserting in place thereof "one member."

Mr. Martin moved further to amend by striking out in the third line, the words "appointed by the presiding officer of their respective," and inserting in place thereof the words "elected by joint ballot of the two."

The motion was disagreed to.

The Clerk of the House of Representatives being announced, the following message was received :

"Mr. President : The House of Representatives has concurred in bill No. 8, (C. F.) entitled "A bill to amend an act to establish the rate of toll for grinding," with amendments thereto, in which this House is requested to concur :

"And in the amendments of this House to the following bill and memorial, viz :

1. No. 18. A bill relating to fines and forfeitures; and
  2. No. 10. A memorial to Congress to extend the jurisdiction of justice of the peace.
- "I am directed to present for your signature,

An act to prescribe the number, duties and compensation of the officers of the Legislative Assembly and for other purposes; and

An act to provide for the compensation of the present officers of the Legislative Assembly."

The President signed the bill and memorial mentioned in the above message.

The further consideration of the resolution was then resumed, when

Mr. Martin moved to strike out the words "appointed by the presiding officer of" in the fourth line; and insert "elected by;"

Which was agreed to.

Mr. Bullen then moved to insert in the fifth line, after the word "bank," as follows: "And that said committee be directed to ascertain, if possible, either by the examination of the stock ledger of the bank or otherwise, who are the stock-holders of said bank."

The motion was disagreed to.

Mr. Arnold then moved to strike out in the fifth line the words "or a majority of them;"

Which was agreed to, and the resolution was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Learned, the Council was resolved into committee of the whole, Mr. Martin in the chair, for the consideration of memorial No. 4, entitled "Memorial to Congress on the subject of the sale of the public lands north of Wisconsin river;" and, after some time, the committee rose and reported the memorial with amendments.

The amendments were concurred in, and the memorial was thereupon adopted.

On motion of Mr. Janes,

The Council was again resolved into committee of the whole, Mr. Learned in the chair, for the consideration of bill No. 22, (H. of R.) entitled "A bill to provide for a special election in the town of Burlington, in the county of Racine;"

And after some time, the committee rose and by their chairman reported the bill without amendment.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Martin, the Council adjourned.

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*Saturday, January 23, 1841.*

The President laid before Council two communications from the Governor, as follows :

1. On executive business ; and
2. Notifying the Council of the approval this day of the following, viz :

An act to prescribe the number, duties and compensation of the officers of the Legislative Assembly and for other purposes ; and

An act to provide for the compensation of the present officers of the Legislative Assembly.

Mr. Learned, from the committee on enrolment, reported the foregoing acts to have been presented on yesterday to the Governor for his approval :

Also, that the following had been correctly enroled :

An act relating to fines and forfeitures ; and,

A memorial to Congress to extend the jurisdiction of justices of the peace.

Mr. Arndt, from the Committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 7. Resolution relative to examination of the Mineral Point Bank ; and

**No. 4. Memorial to Congress on the subject of the sale of the public lands north of the Wisconsin river.**

The following bill and resolution were read the third time, passed, and the titles agreed to, viz :

No. 22, (H. of R.) A bill to provide for a special election in the town of Burlington, in the county of Racine; and

No. 7. Resolution relative to examination of the Mineral Point Bank.

On motion of Mr. Arndt,

The report of the committee of the whole on bill No. 4, entitled "A bill supplemental to the act concerning testimony and depositions," was taken up, when

Mr. Janes moved to amend the amendment of the committee, in the first line of the twelfth section, by striking out "first" and inserting "tenth," in place thereof.

The motion was agreed to.

Mr. Upham then moved further to amend the amendment of the committee by striking out the fourteenth section.

The motion was also agreed to.

The amendments of the committee as amended were thereupon concurred in.

Mr. Upham then moved further to amend the bill by striking therefrom the seventh and eighth sections.

Which was agreed to.

Mr. Janes moved to amend the fifth section in the sixth line, by inserting the word "one" after the word "some."

The motion was agreed to, and the bill was ordered to be engrossed for a third reading—ayes 9, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Learned, Rountree, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, and Martin.

On motion of Mr. Upham,

Bill No. 27, entitled "A bill supplemental to an act entitled an act concerning grand and petit jurors," was taken up; and the question being on concurring in the amendments by the committee of the whole,

Mr. Upham moved a division of the question:

Which was agreed to; and the first amendment having been read,

The Council refused to concur therein.

The second amendment was then read and concurred in.

Mr. Upham then moved further to amend the bill by striking out the second section, and inserting as follows:

SEC. 2. On the trial of all criminal cases, when the punishment is capital, the right of challenge shall be the same as now established by law. On the trial of all cases, of the degree of felony, the prisoner or prisoners shall be entitled to ten peremptory challenges of jurors, and the district attorney to one half that number; and in all criminal cases there shall be the same right of challenge as in civil cases.

The amendment was agreed to.

The Clerk of the House of Representatives was announced, when the following message was received, viz:

"Mr. President: I am directed to present the following for your signature, to wit:

An act relating to fines and forfeitures; and,

A memorial to Congress to extend the jurisdiction of justices of the peace."

The President signed the act and memorial referred to in the preceding message.

And the question then being on ordering bill No. 27 to be engrossed for third reading,

Mr. Arnold moved to recommit the bill to the committee of the whole now.

The motion was agreed to ; and,

The Council thereupon resolved itself into committee of the whole, Mr. Janes in the chair, for the further consideration of said bill.

After some time, the committee rose and reported the bill with amendment.

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Janes,

Bill No. 24, entitled, "a bill to incorporate the village of Racine," was taken up ;

And pending the question on concurring in the report of the committee of the whole thereon,

Mr. Arnold moved to lay on the table.

Which was determined in the affirmative—ayes 11, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Martin, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, and Janes.

On motion of Mr. Arndt,

Bill No. 19, entitled "a bill to incorporate the Fond du Lac Company," was taken up ; and the question being taken on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative.

The President laid before the Council a communication from the Attorney General of the Territory, in reply to a resolution of the Council, calling for information in relation to the suit against the Bank of Wisconsin :



Which was read and referred to a select committee of Messrs. Upham, Janes and Learned.

On motion of Mr. Janes,

The consideration of memorial No. 8, (H. of R.) entitled "memorial of the Legislative Assembly of the Territory of Wisconsin relative to changing the organic law;" was resumed in committee of the whole, Mr. Ballen in the chair.

And after some time the committee rose and reported the memorial with amendments.

The amendments were concurred in.

And pending the question on the adoption of the memorial as amended,

On motion of Mr. Collins,

The same was laid on the table and made the order for Monday next.

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of memorial No. 6, entitled "memorial for an appropriation to improve the rapids of the Mississippi river;"

And after some time the committee rose, and reported the same without amendment.

The memorial was thereupon adopted.

On motion of Mr. Learned,

The Council was again resolved into committee of the whole, Mr. Vineyard in the chair, for the consideration of bill No. 26, entitled "a bill to restrain pedlars and other persons from trading without licence;"

And, after some time the committee rose, and reported the same with amendments thereto.

The amendments were concurred in.

Mr. Upham then moved to amend the bill further, by striking out in the second line of the seventh section, the words "ninety

days," and inserting in place thereof the words "six months."

The motion was disagreed to—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Martin, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Jones, Learned, Rountree and Vineyard.

The bill was then ordered to be engrossed for a third reading.  
On motion of Mr. Rountree, the Council adjourned.

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*Monday, January 25, 1841.*

The President laid before Council a communication from the Governor on Executive business.

Which was read and laid on the table.

On motion of Mr. Martin.

*Resolved*, That a committee of five be appointed to report such amendments as may be deemed expedient in the several acts relative to town and county government.

Messrs. Martin, Arnold, Collins, Vineyard, and Bullen were appointed the committee under the foregoing resolution.

Mr. Martin introduced the following resolution, which was read a first and second times, viz :

• No. 8. Resolution relative to adjournment.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 4. A bill supplemental to the act concerning testimony and depositions ;

No. 19. A bill to incorporate the Fond du Lac Company ; and

No. 27. A bill supplemental to an act entitled 'an act concerning grand and petit jurors ;

Mr. Rountree from the select committee to which was referred the memorial of the House of Representatives, (No. 4,) entitled, "memorial to Congress concerning pre-emption rights to mineral and other lands," reported the same back to the Council, with several amendments thereto.

The report was read and laid on the table.

Mr. Arndt, from the select committee appointed for the purpose, made report as follows :

The committee to which was referred a resolution of inquiry in relation to the manner in which the laws of the August and present sessions are being prepared, &c.; Report; That they have examined the sheets as far as they have been prepared, (which includes all the laws of the August session,) and although your committee are not prepared to say that they are entirely satisfied with the manner in which the work has been done—yet they believe that it will compare, without disparagement, with any of the pamphlet laws of the Territory.

*Ordered*, That the committee be discharged from the further consideration of the subject.

Mr. Learned from the committee on enrolment, reported "an act to provide for a special election in the town of Burlington, in the county of Racine," to be correctly enroled; also that the following were presented to the Governor, on Saturday, viz :

An act relating to fines and forfeitures ; and

A memorial to congress to extend the jurisdiction of justices of the peace.

Engrossed bill, No. 4, entitled 'a bill supplemental to the act concerning testimony and depositions,' was read the third time and the question being on the passage thereof,

Mr. Janes obtained the unanimous consent of the Council to amend the bill, by striking out the word "tenth," in the first

line of the tenth section, and insert in place thereof, the word "eighth."

The bill was then passed, and the title read and agreed to.

Engrossed bills, as follows, were then read the third time, passed, and the titles were agreed to, viz :

No. 19. A bill to incorporate the Fond du Lac company ; and

No. 27. A bill supplemental to an act entitled ' an act concerning grand and petit jurors. '

And the ayes and noes being called for, on the passage of the bill No. 27.

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins, and Vineyard.

On motion of Mr. Collins, the report of the select committee, on memorial No. 4, (H. of R.) entitled " memorial to Congress concerning pre-emption rights to mineral and other lands, " was taken up ; and,

On motion of Mr. Rountree, the Council resolved itself into committee of the whole, Mr. Arnold in the chair, for the consideration of said memorial, and amendments reported thereto.

The clerk of the House of Representatives was announced, when the following message was received, viz :

" Mr. President—I am directed to present the following act for your signature, to wit :

An act to provide for a special election in the town of Burlington, in the county of Racine ;

" And to inform this House that the Governor has informed the House of Representatives that he has on this day approved a bill and memorial of the following titles, viz :

An act relating to fines and forfeitures ; and,

A memorial to Congress to extend the jurisdictions of justices of the peace.

The President signed the act mentioned in the foregoing message.

The committee of the whole then resumed their session ;

And after some time the committee rose, and by their chairman reported the memorial with amendments thereto.

The amendments were concurred in and the memorial as amended was adopted.

On motion of Mr. Collins,

The Council proceeded to the further consideration of memorial No. 8, entitled " memorial of the Legislative Assembly of the Territory of Wisconsin relative to changing the organic law ;"

And the question being on the adoption of the memorial as amended,

Mr. Collins moved to amend the memorial further by adding in the fifth paragraph, after the words " may be limited to one year," as follows :

" And providing that the members of the Council shall be divided into two classes, the seats of the first of which (being seven in number,) shall be vacated at the expiration of the first year after the first election contemplated in this memorial, and the seats of the second class (being six in number,) at the expiration of the second year thereafter, so that one of either of the above mentioned classes shall be chosen every year."

The amendment was agreed to, and the memorial as amended was adopted.

On motion of Mr. Upham,

The Council was resolved into committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 26, (H. of R.) entitled " a bill to provide for the punishment of the of-

fence of firing woods and prairies, and to amend the criminal code."

And after some time the committee rose, and reported the bill with amendments.

The amendments were concurred in.

Mr. Martin moved to amend the bill further, by adding the following proviso to the first section, viz: "Provided, that nothing in this act shall operate as a repeal of the fortieth section of the act to provide for the punishment of offences against private property."

The motion was agreed to.

Mr. Jones moved to strike out the last word of the section and insert in place thereof the word "act."

Which was also agreed to and the bill ordered to a third reading.

On motion of Mr. Jones,

The Council adjourned until 2 o'clock, P. M.

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### *Two O'clock, P. M.*

On motion of Mr. Rountree, the Council resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 28; entitled "a bill supplemental to the act regulating marriages;" and

After some time the committee rose, reported progress, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Arnold the Council was again resolved into committee of the whole, Mr. Sterling in the chair, for the

consideration of memorial No. 5, (H. of R.) entitled "memorial to Congress relative to school lands," and

After some time the committee rose and reported the memorial without amendment.

Mr. Janes then moved to amend the memorial by striking out the word "sale" before the words "or other disposition."

Which was disagreed to, and the memorial was thereupon adopted.

On motion of Mr. Arndt, the Council was again resolved into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 29, entitled "a bill to amend an act entitled an act concerning the lien of mechanics and others for the cost of repairs and improvements on real estates;" and,

After some time the committee rose, and reported the bill without amendment.

And pending the question on engrossing the bill for a third reading.

On motion of Mr. Arnold the bill was ordered to be laid on the table.

On motion of Mr. Martin the Council was again resolved into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 14, entitled "a bill to enlarge the boundaries of Portage county, and for other purposes," with the amendments reported thereto by the committee on territorial affairs; and,

After some time the committee rose and reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Upham,

The Council resolved itself into committee of the whole, Mr. Martin in the chair, for the consideration of bill No. 31, (H. of R.) entitled "a bill relative to the duties of the Secretary of the Territory;"

After some time the committee rose and reported the bill with amendments thereto.

The amendments were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Bullen,

The Council again resolved itself into committee of the whole, Mr Upham in the chair, for the consideration of bill No. 20, (H. of R.) entitled "a bill to incorporate the village of Southport;"

And after some time the committee rose, and reported progress, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Rountree,

The Council was again resolved into committee of the whole, Mr. Bullen in the chair, for the consideration of resolution No. 10, (H. of R.) entitled "resolution relative to the University lands;"

And after some time the committee rose and reported the same with an amendment.

The amendment was concurred in, and the resolution ordered to a third reading now.

The resolution was thereupon read a third time, passed, and the title was agreed to.

On motion of Mr. Arndt: the Council adjourned.

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*Tuesday, January 26, 1841.*

Mr. Janes presented the memorial of citizens of Jefferson, and its vicinity, proposing, in the event of the removal of the seat of Government to that place, to erect a suitable building for the accommodation of the Legislative Assembly within two years, and to donate the same to the Territory, together with



twenty acres of land to be selected by the Territory ;

Which was read and referred to select committee to whom a similar proposition was referred, from citizens of Astalan.

The President laid before Council a communication from the Governor, on Executive business.

Read, and laid on the table.

Mr. Vineyard gave notice that he would on to-morrow, or at some future day, ask leave to introduce a bill to incorporate the Miner's Bank of Plattville.

Mr. Learned, from the committee on enrolment, reported "an act to provide for a special election in the town of Burlington, in the county of Racine," to have been presented yesterday to the Governor for his approval.

Mr. Sterling, from the committee on territorial affairs, to whom was referred a bill from the H. of R. for the completion of the capitol at Madison, and sundry papers relative to providing suitable buildings for the accommodation of the Legislative Assembly and the several Territorial officers," made report thereon, recommending the passage of the bill, with amendments thereto.

The report was read, and laid on the table.

Bills from the House of Representatives, as follows, were read the third time and passed, viz :

No. 26. A bill to provide for the punishment of the offence of firing woods and prairies, and to amend the criminal code ; and,

No. 31. A bill relative to the duties of the Secretary of the Territory.

And the yeas and nays being called for on bill No. 26.

Those who voted in the affirmative are Messrs. Brigham, Bullen, Jones, Learned, Rountree, Sterling, and Upham.

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins, Martin, Vineyard, and Maxwell, (President.)

The titles were then read, and that of No. 31 agreed to.

And the title of bill No. 26 was so amended as to read "A bill to amend an act to provide for the punishment of offences against private property."

On motion of Mr. Sterling, the report of the committee on territorial affairs, made this morning, was taken up, and the amendments having been read,

On motion of Mr. Sterling, the Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of bill No. 27, (H. of R.) entitled "a bill to provide for the completion of the capitol at Madison," and the amendments reported thereto by the committee on territorial affairs; and, after some time, the committee rose, reported progress, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Upham,

The Council adjourned until 3 o'clock, P. M.

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### *Three O'clock, P. M.*

Mr. Rountree moved that the Council proceed to the further consideration, in committee of the whole, of bill No. 27, (H. of R.) entitled "a bill to provide for the completion of the capitol at Madison," with the amendments reported by the committee on territorial affairs.

The motion was disagreed to.

The President laid before the Council a letter from George Templeman, of Georgetown, (D. C.) addressed to Hon. J. D. Doty, proposing to complete the series of Congressional books in the Territorial Library.

Read and referred to joint select committee relative to the Library.

On motion of Mr. Janes, the Council resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 25, entitled "a bill to repeal a certain act therein mentioned relating to costs and fees, and for other purposes."

The Clerk of the House of Representatives was announced, when the President took the chair, and the following message was received, viz :

Mr. President—The Governor has notified the House of Representatives that he did on this day approve "an act to provide for a special election in the town of Burlington in the county of Racine."

I am directed to present for your signature a memorial for an appropriation to improve the rapids of the Mississippi River ;

And to inform you that the amendments made by this House to the following bill, resolution, and memorial have been concurred in by the House of Representatives, to wit ;—

No. 31. A bill relative to the duties of the Secretary of the Territory ;

No. 10. Resolution relative to the university lands ; and,

No. 4. A memorial to Congress concerning pre-emption rights to mineral and other lands ;

"And that the amendments made by this House to the following memorial have been non-concurred in, to wit :

No. 8. Memorial to the Legislative Assembly of the Territory of Wisconsin relative to changing the organic law."

The President signed the memorial referred to in the preceding message.

The committee of the whole then resumed its session ; and after some time rose and reported the bill without amendment.

Mr. Collins then moved to amend the bill further by adding

thereto, as follows: "And it is hereby further provided that no lawyer shall in any case charge or take any other or greater fee than is provided for in the sections hereby revived."

And pending the question thereon,

On motion of Mr. Martin, the Council adjourned.

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*Wednesday, January 27, 1841.*

The President laid before Council a communication from the Governor on Executive business.

Read and laid on the table.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 26. A bill to restrain pedlars and other persons from trading without licence.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enroled, viz:

Resolution relative to the university lands; and,

Memorial to Congress relative to school lands.

Also, that the following had been presented to the Governor, on yesterday, for his approval, viz:

Memorial for an appropriation to improve the rapids of the Mississippi river.

Mr. Jones, from the select committee to whom was referred that portion of the Governor's message on the subject, reported a bill as follows:

No. 30. A bill to provide for the appointment of a territorial Geologist.

Which was read a first and second times.

Mr. Learned, from the majority of the select committee to

to which the petitions of citizens of the towns of Aztalan and Jefferson, proposing in the event of the removal of the seat of government of the territory to either of those places, to erect suitable buildings for the accommodation of the Legislative Assembly, made an unfavorable report thereon, together with a resolution as follows :

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Vineyard, from the minority of the same committee made a report unfavorable to the proposal of the citizens of the town of Jefferson, and favorable to the proposal of the citizens of the town of Aztalan, accompanied by a bill (No. 31,) entitled "a bill to remove the seat of government from Madison to the town of Aztalan in Jefferson county."

Which bill was read a first and second times.

Mr. Arnold from the select committee to which had been referred the petition of Lyman Goodenow and William T. Bidwell, on the subject, reported a bill, No. 32, entitled "a bill to incorporate the Trustees of the Prairieville Academy ;"

Which was read a first and second time.

Mr. Martin, in accordance with notice given, obtained leave to introduce bill No. 33, entitled "a bill to incorporate the Fox and Wisconsin Steamboat Company ;"

Which was read a first and second time.

Engrossed bill No. 26, entitled "a bill to restrain pedlars and other persons from trading without licence," was read the third time, passed, and the title was agreed to.

And the ayes and noes being called for on the passage of the bill,

Those who voted in the affirmative, are Messrs. Arnold, Bullen, Collins, Learned, Rountree, Sterling, Upham and Vineyard, 8.

Those who voted in the negative, are Messrs. Arndt, Brigham, Jones, Martin and Maxwell, (President.) 5.

On motion of Mr. Brigham,

The Council proceeded to the consideration of Executive business :

The Executive business was disposed of.

The Council proceeded to the further consideration of bill No. 25, entitled "a bill to repeal a certain act therein mentioned relating, to costs and fees, and for other purposes ;" when

Mr. Collins renewed his motion of yesterday to amend the bill by adding thereto as follows :

"And it is hereby further provided that no lawyer shall in any case charge or take any other or greater fee than is provided for in the sections hereby revived."

And pending the question thereon,

Mr. Collins moved to lay the bill on the table,

Which was agreed to.

On motion of Mr. Collins,

The Council adjourned until 3 o'clock, P. M.

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### *Three O'clock, P. M.*

On motion of Mr. Arnold, the Council adjourned.

*Thursday, January, 28, 1841.*

Mr. Learned from the committee on enrolment, reported the following to be correctly enroled, viz :

An act relative to the duties of the Secretary of the Territory ; and

A memorial to Congress concerning pre-emption rights to mineral and other lands.

On motion of Mr. Jones the Council proceeded to the further consideration of bill No. 24, entitled, " a bill to incorporate the village of Racine."

And the question being put on concurring in the amendment reported by the committee of the whole,

The same was agreed to.

And pending the question on ordering the bill to be engrossed for a third reading,

The clerk of the House of Representatives was announced, when the following message was received, viz :

" Mr. President—I am directed to inform this House that the Governor has notified the House of Representatives that he did on yesterday approve a memorial of the following title, to wit :

Memorial for an appropriation to improve the rapids of the Mississippi river.

" I am further directed to present the following for your signature, viz :

An act relative to the duties of the Secretary of the Territory ;  
Resolution relative to the University lands ;

Memorial to Congress concerning pre-emption rights to mineral and other lands ; and,

Memorial to Congress relative to school lands."

The President signed the act, resolution and memorials referred to in the foregoing message.

And the question being again put on ordering the bill No. 24, to be engrossed for a third reading,

Mr. Arndt moved to amend the same further, by striking out all in the seventeenth number of the fourteenth section except the following:—"To organize school districts in said village, to receive the money coming from the county for the benefit of the scholars in said village, and generally to have full control over all public schools in said village, and to take such measures for the benefit of public instruction as they may deem proper."

The motion was agreed to.

Mr. Arnold then moved to refer the bill to the committee on the judiciary.

The motion was disagreed to.

Mr. Martin moved to amend further by inserting before the words "one per centum," in the fifty-ninth line of the 14th section, the words "one fourth of."

Which was agreed to.

Mr. Collins moved to amend by striking out, in the twenty-seventh section, the words, "from and after its passage," and inserting in place thereof, as follows: "at such times as the legal voters residing within the corporate limits of the village of Racine shall by two-thirds of their votes accept this charter."

The motion was agreed to.

Mr. Martin then moved to amend the fourteenth section by striking out in the 40th and 41st lines thereof, the words "and generally to take such measures for the public health as they shall deem proper."

Which was disagreed to.

Mr. Janes then moved to lay the bill on the table.

Which was agreed to.

On motion of Mr. Janes, the Council resumed the consideration



tion of the bill No. 25 entitled "a bill to repeal a certain act therein mentioned relating to costs and fees, and for other purposes," when

The question was stated to be, *shall the bill be ordered to be engrossed for a third reading?*

And determined in the negative—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janea, Learned, and Upham.

Those who voted in the negative, are Messrs. Arndt, Collins, Martin, Rountree, Vineyard and Maxwell, (President.)

So the bill was rejected.

On motion of Mr. Learned, the Council resumed in committee of the whole, Mr. Arnold in the chair, the consideration of bill No. 28, entitled, "a bill supplemental to the act regulating marriages;" and, after some time, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Arnold,

The Council adjourned until 3 o'clock, P. M.

### *Three O'clock, P. M.*

Mr. Martin, from the committee on the judiciary, to whom the bill from the House of Representatives, (No. 5,) entitled "a bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard," was referred, reported the same back to the Council without amendment.

On motion of Mr. Bullen, the Council resumed in committee of the whole, Mr. Rountree in the chair, the consideration of bill

No. 27, (H. of R.) entitled "a bill to provide for the completion of the capitol at Madison," with the amendments reported thereto by the committee on territorial affairs.

And after some time the committee rose, and reported the bill with amendments.

And the question being put on concurring in the amendments made in committee of the whole, it was determined in the negative—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Jones, Learned, and Upham.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Martin, Rountree, Sterling, Vineyard and Maxwell, (President.)

Mr. Arnold then moved to recommit the bill to the committee of the whole.

The motion to recommit was determined in the negative, ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Jones, and Upham.

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Learned, Martin, Rountree, Sterling, Vineyard and Maxwell, (President.)

Mr. Brigham moved to adjourn.

The motion was disagreed to.

Mr. Martin then called for the previous question.

And the question being put; "*shall the main question be now put?*"

Which was determined in the negative, ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Collins, Jones, Martin, Rountree, and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Learned, Sterling, Upham, and Maxwell (President.)

On motion of Mr. Sterling, the Council adjourned.

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*Friday, January 29, 1841.*

Mr. Brigham presented the petition of citizens of Green county, praying that a territorial road may be established from the Illinois State line to Mineral Point.

Read and referred to the committee on territorial affairs.

Mr. Learned from the committee on enrolment reported the following to have been presented on yesterday to the Governor for his approval;

An act relative to the duties of the Secretary of the Territory;

Resolution relative to the University lands;

Memorial to Congress relative to school lands; and,

Memorial to Congress concerning pre-emption rights to mineral and other lands.

On motion of Mr. Upham, the Council resumed the consideration of bill No. 27, [H. of R.] entitled "a bill to provide for the completion of the capitol at Madison," and the question being on ordering the bill to a third reading,

Mr. Upham moved to amend the same by prefixing to the first section thereof, the following, viz :

Sec. 1: It shall be the duty of the commissioners of public buildings, to give James Morrison the original contractor the privilege of renewing his bonds to the Territory for the completion the Public Buildings in the manner set forth in the original contract; and if accepted by the said Morrison, the said com-

missioner shall be authorized to fulfil the contract on the part of the Territory, according to the provisions thereof; and to give the contractor until the 1st day of November next, for the completion of said buildings.

SEC. 2. That James D. Doty, late Treasurer of the board of Commissioners of Public Buildings be authorized and is hereby [required] to pay the same, on the order of the acting commissioner (from the appropriations made by Congress for the erection of the public buildings in the Territory) in the manner heretofore provided for in the act creating said office of Treasurer.

SEC. 3. In case of refusal or neglect on the part of said original contractor to re-bew his bonds, then and in that case,

Also by inserting the following before the last section of the bill, viz :

Such in case the provisions of this act shall not be carried into effect, and it shall appear to the satisfaction of the Governor that the capitol will not be completed agreeably to its provisions, then and in that case the Governor is authorized to issue his proclamation, thirty days at least, previous to the commencement of the next regular annual session, convening the Legislative Assembly at Milwaukee.

And pending the question thereon,

Mr. Rauntree moved a call of the House,

Which was ordered; and the roll being called, all the members answered to their names except Messrs. Arnold and Vineyard.

The Sergeant at arms reported the attendance of Mr. Arnold, and that Mr. Vineyard could not be found.

Mr. Collins moved to lay the bill on the table.

The motion was disagreed to.

Mr. Collins then moved a call of the Council, and that absent members be sent for.

The call was ordered; and the roll being called, all the members answered to their names, except Mr. Vineyard.

Mr. Upham moved to suspend further proceedings in the call.

Which was disagreed to; and,

On motion of Mr. Collins, the Council adjourned.

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*Saturday, January 30, 1841.*

Mr. Arnold presented the petition of citizens of Prairieville, asking the establishment of a board of education and the appointment of a superintendent of public instruction.

Laid on the table.

Mr. Collins gave notice that he would, at a future day, ask leave to introduce a bill to repeal a part of an act in the revised statutes of Wisconsin; entitled: "an act concerning costs and fees."

Mr. Arnold gave notice that he would, on Monday next, ask leave to introduce a bill to repeal a certain act therein mentioned, relating to costs and fees, and for other purposes.

Mr. Collins from the select committee to whom was referred the petition of Moses M. Strong, praying an investigation of his accounts as late fiscal agent, and the claims of Messrs. Collier and Pettus for the balance of a loan obtained in December, 1838, made report thereon, with a resolution as follows:

*Resolved, By the Council and House of Representatives of Wisconsin Territory, That Moses M. Strong, late fiscal agent of the Territory, is hereby required to pay to the sum of \_\_\_\_\_ dollars, the receipt for which shall operate as a full discharge of all his liabilities to the Territory as fiscal agent thereof,*

Which was read and laid on the table.

On motion of Mr. Martin,

Resolution No. 8, entitled "Resolution relative to adjournment," was taken up; and

On motion of Mr. Arndt,

The Council resolved itself into committee of the whole, Mr. Learned in the chair, for the consideration thereof;

After some time the committee rose and reported the resolution with an amendment.

And pending the question on the amendment reported,

Mr. Collins moved to postpone indefinitely the further consideration of the resolution.

Mr. Arnold moved to lay the resolution on the table.

The motion of Mr. Arnold was agreed to.

On motion of Mr. Martin,

The Council proceeded to the consideration of bill No. 17 entitled "a bill to amend the several acts of the Territory to authorize the levy and collection of taxes;" and the amendments of the committee of the whole, reported on the 19th inst., having been read,

Mr. Martin moved that the question be taken separately on each of the amendments reported.

Which was agreed to; and the first, second and third amendments having been read,

They were severally concurred in.

And the fourth amendment having been read, viz:

Sec. 9. The act to amend an act entitled 'an act concerning the time of commencing actions,' approved January 13th, 1840, shall not be so construed as to prevent the commencing of any action after the term of three years to try any other title or right than a tax title.

Mr. Martin moved to amend the same by striking out all after

the words "January 18th, 1840," and inserting "is hereby repealed."

Which was determined in the negative—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Collins, Learned, Martin and Rountree.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Janes, Sterling, Upham, Vineyard and Maxwell, (President.)

The question then recurring on the adoption of the fourth amendment.

Which was determined in the affirmative—ayes 11, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins and Martin.

The fifth amendment was then read, which is as follows :

Sec. 10. In case any sale of lands for taxes shall be judicially declared to be void for any error in the proceedings previous to, or at any such sale, or in case any county shall refuse to give deeds to persons holding certificates of sale, for any such error aforesaid, then, and in that case, the county shall be liable to repay to the holder of such certificate the amount thereof, with legal interest,

When Mr. Rountree moved to amend the same by striking out the word "legal," before "interest," and insert in place thereof the words "twelve per cent."

The motion was disagreed to.

The question then recurring on the amendment as reported, and it was determined in the negative—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Aradt, Ballen, Collins, Learned and Rountree.

Those who voted in the negative, are Messrs. Arnold, Brigham, Janes, Martin, Sterling, Upham, Vineyard and Maxwell, (President.)

Mr. Upham then moved further to amend the bill by inserting an additional section, to be styled section 1, viz:

That for the purpose of raising a revenue to defray the public charges and expenses in the several counties in this Territory, it shall be the duty of the county commissioners in their respective counties to levy taxes on the following property, and no other to wit: on all lands, town lots and out lots, which are not exempted from taxation by the laws of the United States or of this Territory, and on all money at interest, merchandise, and all stock actually paid in to any incorporated company, not including libraries or property, exempt by law from execution.

The motion was disagreed to—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Aradt, Ballen, Janes, Martin and Upham.

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Learned, Rountree, Sterling, Vineyard, and Maxwell, (President.)

Mr. Janes then moved to amend by adding to the first section of the bill, as follows:

Not to prohibit the commissioners of Racine county from raising an additional sum, not exceeding three thousand dollars, to discharge the arrearage debt of said county.

The amendment was agreed to.

The clerk of the House of Representatives was then announced when the following message was received, viz:

“Mr. President—The Governor has notified the House of Re-



representatives that he did on yesterday approve the following act, resolution and memorial, viz :

An act relative to the duties of the Secretary of the Territory;  
Memorial to Congress relative to school lands; and  
Resolution relative to the University lands;

Memorial to Congress concerning pre-emption rights to mineral and other lands."

Mr. Arnold then moved further to amend the bill under consideration by inserting after the word "dollar" in the ninth line of the first section, as follows: "For contingent expenses not exceeding one mill on the dollar;"

Which was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, James, Learned, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, and Rountree.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. James,

Bill No. 24, entitled "a bill to incorporate the village of Racine," was taken up; and,

Ordered, That the same be recommitted to the committee of the whole.

On motion of Mr. James,

The Council resolved then itself into committee of the whole, Mr. Sterling in the chair, for the consideration of the said bill, No. 24, together with bill No. 20, (H. of R.) entitled "a bill to incorporate the village of Southport;"

After some time the committee rose and reported bill No. 24, with an amendment thereto, and that the committee had made progress in bill No. 20, and asked leave to sit again thereon:

Leave was granted to sit again on bill No. 20.

And the question then being on concurring in the amendment made to bill No. 24, it was agreed to; and

*Ordered*, That the bill be engrossed for a third reading.

On motion of Mr. Arnold the Council adjourned.

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*Monday, February 1, 1841.*

Mr. Vineyard, in accordance with notice given, obtained leave to introduce bill No. 24, entitled "a bill to incorporate the stockholders of the Bank of Plattville;"

Which was read a first and second times, and ordered to be printed.

On motion of Mr. Brigham,

The Council resumed the consideration of bill No. 27, (H. of R.) entitled "a bill to provide for the completion of the capitol at Madison;" when

Mr. Upham renewed his motion to amend said bill, by prefixing to the first section thereof, the following, viz:

Sec. 1. It shall be the duty of the Commissioners of Public Buildings, to give James Morrison the original contractor, the privilege, at any time before the twenty-fifth day of March next, of renewing his bonds to the Territory for the completion of the public buildings in the manner set forth in the original contract; and if accepted by the said Morrison, the said commissioner shall be authorised to fulfil the contract on the part of the Territory, according to the provisions thereof; and to give the contractor until the first day of November next, for the completion of said buildings.

Sec. 2. That James D. Doty, late Treasurer of the Board of Commissioners of Public Buildings, be authorised and is

heretofore provided for in the act creating said office of Treasurer.

Sec. 3 In case of refusal or neglect on the part of said original contractor to renew his said bonds, then and in that case :

Also, by inserting the following before the last section of the bill, viz :

Sec. In case the provisions of this act shall not be carried into effect, and it shall appear to the satisfaction of the Governor that the Capitol will not be completed agreeably to its provisions, then and in that case, the Governor is authorized to issue his proclamation thirty days, at least, previous to the commencement of the next regular annual session, convening the Legislative Assembly at Milwaukee.

Mr. James called for a division of the question.

And the same being put on the first member thereof, viz : sections one, two and three, the same was determined in the affirmative—ayes 9, nays 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, James, Leaned, Sterling, Upham, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins, Martin, Rountree and Vineyard.

The question was then put on the second member of the amendment; when

Mr. Collins moved to add thereto the following proviso :

Provided, suitable rooms are furnished in the said town of Milwaukee for the accommodation of the two branches of the Legislative Assembly when holding their sessions, and for com-

mittee rooms ; also an office for the Executive, and offices for the accommodation of the several territorial officers, free from any charge or expense to the Territory or General Government.

The amendment was accepted by the mover of the original amendment, and the same was adopted.

Mr. Janes then moved to strike out all the remaining sections of the bill.

The motion was disagreed to.

And the question then being put on ordering the bill to a third reading, it was determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Learned, Sterling, Upham, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Janes, Martin, Rountree, and Vineyard.

The following message was received from the House of Representatives by the clerk thereof, viz :

“ Mr. President—I am directed to present the following bill for the concurrence of this House, to wit :

No. 34. A bill to lay out and establish certain Territorial roads therein named.”

On motion of Mr. Arndt,

The Council again proceeded to the consideration of bill No. 29, entitled “ a bill to amend an act entitled ‘ an act concerning the lien of mechanics and others for the costs of repairs and improvements on real estate.’ ”

And the question being on ordering the bill to be engrossed for a third reading,

Mr. Arndt moved to amend the same by striking therefrom the word “ one,” in the first line of the 7th section.

The motion was agreed to.

Mr. Upham then moved to amend the fourth section of the bill by striking out all after the word "instituted," in the 4th line, and insert in place thereof the words "within that time."

Which was also agreed to.

Mr. Arnold then moved to amend the same section further, by inserting before the word 'houses,' in the second line thereof, the words "lands or."

The motion was also agreed to ;

And the bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Brigham,

The Council resumed in committee of the whole, Mr. Vineyard in the chair, the consideration of bill No. 14, entitled "a bill to enlarge the boundaries of Portage county and for other purposes ;"

And after some time the committee rose and reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Bullen,

The Council was resolved into committee of the whole, Mr. Collins in the chair, for the further consideration of bill No. 20, (H. of R.) entitled "a bill to incorporate the village of Southport."

And after some time the committee rose, and reported the bill with amendments.

The amendments were concurred in.

Mr. Martin moved to add to the twentieth section the following proviso, viz :

*Provided*, that no tax, for all purposes whatever, assessed in any one year, shall exceed twenty-five per cent.

The motion was agreed to.

And the question being put on ordering the bill to a third reading, it was determined in the affirmative—ayes 10, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Learned, Rountree, Upham Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, and Martin.

Mr. Upham then moved to adjourn.

The motion was disagreed to ; and

On motion of Mr. Martin,

The Council adjourned until 3 o'clock, P. M.

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### *Three O'clock, P. M.*

The President laid before the Council a communication from Samuel B. Knapp, Fiscal Agent of the Legislative Assembly, that he will at an early day, resign the appointment of Fiscal Agent.

Read and laid on the table.

On motion of Mr. Collins,

The Council proceeded to the consideration of the several messages from the House of Representatives of the 22d and 26th ult. and of this day ; and

The amendments of the House of Representatives to bill No. 8, entitled " a bill to amend an act to establish the rate of tolls for grinding," having been read,

On motion of Mr. Collins,

The same were severally concurred in.

And the message of the House of Representatives, notifying

that the House had non-concurred in the several amendments of Council to memorial No. 8, entitled "memorial of the Legislative Assembly of the Territory of Wisconsin, relative to changing the organic law," having been read,

Mr. Collins moved that the Council do recede from the first amendment made thereto, which reads as follows :

Strike out in the fifth paragraph, the word "and," before the words "House of Representatives," and insert in place thereof; "may be limited to two years, and the terms of members of the:" also insert after the words "may be limited to one year," the words following :

And providing that the members of the Council shall be divided into two classes, the seats of the first of which (being seven in number,) shall be vacated at the end of the first year after the first election contemplated in this memorial, and the seats of the second class, (being six in number,) at the expiration of the second year thereafter, so that one of either of the above mentioned classes shall be chosen every year ;

And further, insert after the word "county" the words "and militia."

The motion to recede was disagreed to—ayes 1, noes 11.

And the ayes and noes being called for,

Mr. Collins voted in the affirmative.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling, Upham, Vineyard, and Maxwell, (President.)

It was then on motion of Mr. Collins,

*Ordered*, That the Council do insist on their amendments to said memorial.

Bill No. 34, (H. of R.) entitled "a bill to lay out and establish certain territorial roads therein named," was read a first and second times, and referred to committee on Territorial Roads.

On motion of Mr. Rountree,

*Ordered*, That the claim of *Messrs.* Collier and Pettus for balance of loan obtained from them by *Moses M. Strong*, late Fiscal Agent, be referred to committee on claims.

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Martin in the chair, for the consideration of bill No. 32, entitled "a bill to incorporate the trustees of the Prairieville Academy;"

And after some time the committee rose and reported the bill with an amendment,

The amendment was concurred in; when

Mr. Martin moved to amend the bill further, by adding to the first section thereof, the following:

*Provided*, That the real estate at any time owned by said company shall not exceed in value ten thousand dollars.

The amendment was agreed to.

Mr. Upham moved further to amend the bill by inserting after the word "trustee," in the first line of the fifth section the word "teacher."

Which was also agreed to.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Martin,

The Council resolved itself into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 33, entitled "a bill to incorporate the Fox and Wisconsin Steamboat Company;"

And after some time the committee rose and reported the bill with an amendment.

The amendment was concurred in.

Mr. Arnold then moved further to amend the bill by adding thereto a section, as follows:

SEC. The stockholders of said corporation shall be liable in



their private capacities for all debts of the company above the amount of the capital stock paid in, and for all losses and damages incurred in the transportation of property.

Which was agreed to—ayes 7, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Rountree and Sterling.

Those who voted in the negative, are Messrs. Arndt, Learned, Martin, Upham, Vineyard, and Maxwell, (President.)

On motion of Mr. Martin,

*Ordered*, That the bill be laid on the table,

On motion of Mr. Learned, the Council resumed in committee of the whole, Mr. Bullen in the chair, the consideration of bill No. 28, entitled "a bill supplemental to the act regulating marriages;" and, after some time, the committee rose and reported the bill with an amendment.

The amendment was concurred in; and the bill ordered to be engrossed for a third reading.

Mr. Upham moved to adjourn.

The motion was disagreed to.

On motion of Mr. Bullen, the Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 30, entitled "a bill to provide for the appointment of a Territorial Geologist;" and after some time the committee rose and reported the bill with amendments.

And the question being on concurring in the amendments of the committee.

It was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Collins Janes, Learned, Upham, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Martin, Rountree, Sterling, and Vineyard.

The question was then taken on ordering the bill to be engrossed for a third reading, and determined in the negative, ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, Collins, Janes, Learned, and Rountree.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Martin, Sterling, Upham, Vineyard and Maxwell, (President.)

So the bill was rejected.

On motion of Mr. Sterling, the Council adjourned.

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*Tuesday, February 2, 1841.*

Mr. Brigham presented the petition of citizens of Dane county for the establishment of a road from Madison to the rapids on Barraboo river.

Referred to committee on Territorial Roads.

The President laid before the Council two communications, as follows :

1. From the Governor on Executive business ;  
Which was read and laid on the table.
2. From the Treasurer of the Territory, enclosing a communication from the treasurer of Milwaukee county, in relation to five per cent. of monies paid in for territorial purposes ;  
Which was read ; when  
Mr. Rountree moved to refer to committee on judiciary.

Mr. Collins moved that leave be granted to the Treasurer to withdraw his communication.

And the question being first put on the motion to refer, it was determined in the affirmative—ayes 8, noes 5.

And ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Janes, Learned, Martin, Rountree, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Sterling and Vineyard.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 17. A bill to amend the several acts of the Territory to authorize the levy and collection of taxes :

No. 24. A bill to incorporate the village of Racine :

No. 28. A bill supplemental to the act regulating marriages :

No. 29. A bill to amend an act entitled an act concerning the lien of mechanics and others for the cost of repairs and improvements on real estate ; and

No. 32. A bill to incorporate the trustees of the Prairieville Academy.

Mr. Learned, from the committee on enrolment, reported ' an act to amend an act to establish the rate of toll for grinding,' to be correctly enroled.

Mr. Martin, from the committee on the judiciary, in accordance with a resolution on the subject, reported bill No. 85, entitled " a bill to incorporate the Western Mutual Fire Insurance Company, at Prairie du Chien ;

Which was read a first and second time and ordered to be printed.

Bills from the House of Representatives, as follows, were read the third time and passed, viz :

No. 20. A bill to incorporate the village of Southport ; and

No. 27. A bill to provide for the completion of the capitol at Madison.

And the ayes and noes being called for, on the passage of bill No. 20,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Bullen, Collins, Janes, Learned, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Mr. Martin voted in the negative.

And the ayes and noes being called for on the passage of bill No. 27,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Learned, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Martin, Rountree and Vineyard.

The titles were then severally read, and that of No. 20 agreed to.

And the question being on the title of bill No. 27,

Mr. Martin moved to amend the same so as to read 'a bill to discontinue certain suits brought to recover monies due the Territory from the late Commissioners of Public Buildings and for other purposes.'

The motion was disagreed to—ayes 4, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Collins, Martin, Rountree and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Learned, Sterling, Upham, and Maxwell, (President.)

M. Collins then moved to amend the title by adding thereto, as follows:—"and for holding the next session of the Legislative Assembly at the town of Milwaukee."

Which motion was disagreed to.

Mr. Arnold then moved to amend by adding thereto, "and for other purposes."

Mr. Collins moved to amend by inserting the word "many" before "other purposes."

It was disagreed to.

Mr. Martin then moved to amend the amendment by adding thereto "too numerous to mention."

The motion was lost.

And the question then being put on the amendment of Mr. Arnold, it was disagreed to.

The question then recurred on agreeing to the title.

And it was passed in the affirmative—ayes 8, noes 5.

And ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Janes, Learned, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Collins, Martin, Rountree and Vineyard.

Engrossed bills as follows, were severally read the third time, passed and the titles agreed to, viz :

No. 17, A bill to amend the several acts of the Territory to authorize the levy and collection of taxes.

No. 24, A bill to incorporate the village of Racine ;

No. 28, A bill supplemental to the act regulating marriages ;

No. 29. A bill to amend an act entitled "an act concerning the lien of mechanics and others, for the cost of repairs and improvements on real estate ; and,

No. 32. A bill to incorporate the trustees of the Prairieville Academy.

On motion of Mr. Collins,

Ordered, That the vote of yesterday by which the amendment of Mr. Arnold to bill No. 33, entitled "a bill to incorporate the

Wisconsin and Fox Steamboat company," was adopted be reconsidered.

On motion of Mr. Martin, bill No. 33, entitled "a bill to incorporate the Fox and Wisconsin Steamboat Company," was taken up, and the Council proceeded to the consideration of said bill.

And the question then being on the adoption of the amendment of Mr. Arnold, just reconsidered,

Mr. Arnold obtained leave to withdraw the same.

Mr. Arndt then moved to amend the bill, by inserting section as follows :

Sec. The stockholders of said corporation shall be liable, in their private capacities, for all debts of the company, and for all losses and damages incurred in the transportation of property, equal to the amount by each respectively subscribed.

Mr. Arnold moved to amend the amendment by striking out the word "equal," and inserting in place thereof, the words "in proportion."

The amendment was agreed to, and the amendment as amended, was adopted.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Brigham the Council resolved itself into committee of the whole, Mr. Arnold in the chair, for the further consideration of bill No. 14, entitled "a bill to enlarge the boundaries of Portage county and for other purposes;" and, after some time the committee rose, and reported the bill with amendments.

And the question being put on concurring in the amendments of the committee,

Mr. Martin moved to amend the last amendment thereof, viz:

Sec. Election precincts, in said county of Portage, shall be as follows, to wit : at the Franklin House, at the Portage ; at Stephen's mills, at the Big Bull's falls ; at Moore's mills, at Lit-

the Bull's falls ; at Conant and Campbell's mills, at Plover portage ; at the house of E. Bloomer, at Grand rapids ; and. at the house of Abraham Brauley on Mill creek ; *Provided*, however, the county commissioners of said county shall have the power to change the same upon the petition of 20 electors of their respective precincts," by inserting before the *proviso* the words " at Dickison's house on Beaver dam run."

The motion of Mr. Martin was disagreed to.

Mr. Martin again moved to amend the amendment by inserting after the words " on Mill creek," as follows " and at Dickson and Stroud's mill on Crawfish run."

The motion was agreed to, and the amendments as amended were concurred in.

Mr. Arndt then moved further to amend the bill by inserting after the word " purposes," in the third line of the sixth section, as follows : " nor shall in any manner affect the right of the said county of Brown to collect any delinquent taxes, or taxes on unassessed lands, within the limits of said Portage county, pursuant to the ninth section of the act for assessing and collecting county revenue."

And pending the question thereon,

Mr. Upham moved to adjourn.

The motion was disagreed to ;

The amendment of Mr. Arndt was thereupon adopted, and the bill ordered to be engrossed for a third reading

On motion of Mr. Arndt, the Council adjourned.

*Wednesday, February 3, 1841.*

Mr. Janes gave notice that he would at a future day ask leave to introduce bills, as follows :

A bill to incorporate the Ra ine Hydraulic company ; and,

A bill concerning appeals from justices' courts ;

Mr. Janes, in accordance with notice given, obtained leave to introduce bill No. 38, entitled " a bill relative to trunks, baggage and other unclaimed personal property."

Which was read a first and second times, and ordered to be printed.

Mr. Learned, from committee on enrolment, reportment " an act to amend an act to provide for the punishment of offences against private property," as correctly enroled.

On motion of Mr. Bullen, the Council was resolved into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 33, (H. of R.) entitled " a bill to amend an act relating to the duties of auctioneers ; " and, after some time, the committee rose, and reported the bill without amendment.

And the question being put on ordering said bill to a third reading, it was determined in the negative.

So the bill was rejected.

On motion of Mr. Sterling,

The Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 5, (H. of R.) entitled " a bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard ; " and after some time, the committee rose and reported the bill without amendment.



And the question then being on ordering the bill to a third reading,

On motion of Mr. Collins,

*Ordered*, to be laid on the table.

On motion of Mr. Arndt, the report of the committee of the whole, made on the 12th ult., on bill No. 1, (H. of R.) entitled "a bill to amend the several acts concerning justices of the peace," was taken up ; when

Mr. Arndt moved to recommit the same to the committee of the whole.

The motion was disagreed to.

And, the question then being put on concurring in the report of the committee, it was determined in the negative—ayes 2, noes 10.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Learned, and Rountree.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Jones, Sterling, Upham, Vineyard and Maxwell (President.)

Mr. Sterling then moved to refer the bill to the committee on the judiciary.

Which was agreed to.

On motion of Mr. Sterling,

The Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,

On motion of Mr. Upham,

The Council adjourned until 4 o'clock, P. M.

*Four O'clock, P. M.*

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President—I am directed to present the following for the concurrence of this House, to wit :

No. 36. A bill to define the northern boundary of the county of Fond du Lac, and to establish the boundary line between said county and Winnebago ;

No. 37. A bill supplementary to the several acts relating to the Milwaukee and Rock River Canal :

No. 38. A bill to incorporate medical societies and to promote medical science.

No. 41. A bill to provide for the payment of the expenses of the Legislative Assembly and for other purposes :

No. 11. Resolution relative to the northeastern boundary of the Territory :

No. 6. Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly and of the courts of the Territory :

No. 12. Memorial to Congress for the relief of John Hood ; and

No. 13. Memorial to Congress for an appropriation for the survey of certain roads therein named.

"I am also directed to inform this House that the House of Representatives have concurred in the following bills and memorial of the Council, to wit :

No. 23. A bill to legalize the official acts of Thomas McKaig :

No. 26. A bill to restrain pedlars and other persons from trading without licence; and

No. 4. Memorial to Congress on the subject of the sale of the public lands north of the Wisconsin river :

" In bill No. 26. with an amendment, in which the concurrence of this House is requested ;

" And in the amendments of this House to bill No. 26, entitled ' a bill to amend an act to provide for the punishment of offences against private property ;

" And have insisted on their disagreement to the amendment of this House to memorial No. 8, entitled ' memorial of the Legislative Assembly of the Territory of Wisconsin, relative to changing the organic law,' and have appointed Messrs. Whitom and Barber a committee on their part ; and I am directed to request the appointment of a like committee on the part of this House, to which the disagreeing vote of the two Houses on the said memorial shall be referred.

" And I am further directed to present the following for your signature, to wit :

An act to amend an act to establish the rate of toll for grinding ; and

An act to amend an act to provide for the punishment of offences against private property."

The President signed the acts referred to in the preceding message.

On motion of Mr. Collins,

*Ordered*, That a committee of conference be appointed on the part of the Council to confer with the committee appointed by the House of Representatives, in relation to the disagreeing vote of the two Houses, on memorial No. 8, (H. of R.) entitled " memorial of the Legislative Assembly of the Territory of Wisconsin, relative to changing the organic law."

Messrs. Sterling and Learned were appointed the committee.

Bill No. 41, from the House of Representatives, entitled, "a bill to provide for the payment of the expenses of the Legislative Assembly, and for other purposes," was read the first and second times, and ordered to be committed to the committee of the whole now.

The Council thereupon resolved itself into committee of the whole, Mr. Arndt in the chair, for the consideration of the bill just read; and, after some time the committee rose and reported the bill with amendments thereto.

The amendments were concurred in.

And pending the question on ordering the bill to a third reading.

On motion of Mr. Collins, (three fourths concurring therein;)

*Ordered*, That so much of the 27th rule as prohibits bills from being read the second and third times on the same day be suspended with reference to the bill under consideration, and that it be read the third time now.

The bill was then read the third time, passed, and the title was agreed to.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz.:

No. 14. A bill to enlarge the boundaries of Portage county, and for other purposes; and

No. 33. A bill to incorporate the Fox and Wisconsin Steamboat Company.

On motion of Mr. Arnold, bill No. 37, from the House of Representatives, was taken up and read a first and second times, and ordered to be printed.

Engrossed bill No. 14, entitled "a bill to enlarge the boundaries of Portage county, and for other purposes," was read the third time, passed, and the title was agreed to.

On motion of Mr. Sterling,

The amendment of the House of Representatives to bill No 26,

entitled "a bill to restrain pedlars and other persons, from trading without licence," was taken up, read, and, concurred in.

Engrossed bill No. 33, entitled "a bill to incorporate the Fox and Wisconsin Steamboat company," was read the third time; when, on the question of its passage,

Mr. Martin obtained the unanimous consent of the Council to amend the bill, by adding thereto, a section, viz :

Sec. 14. This act shall take effect, and be in force, from and after its passage.

The bill was then passed, and the title read and agreed to.

On motion of Mr. Bullen,

The Council adjourned until 10 o'clock, A. M. on Friday.

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*Friday, February 5, 1841.*

The President laid before the Council a message from the Governor, notifying the Council that he did, on this day approve and sign "an act to amend an act to establish the rate of toll for grinding."

Mr. Learned from committee on enrolment reported the following to have been presented, on the 3d inst., to the Governor for his examination, viz :

An act to amend an act to establish the rate of toll for grinding; and

An act to amend an act to provide for the punishment of offences against private property.

Also, the following to be correctly enroled, viz :

An act to restrain pedlars and other persons from trading without licence;

An act to legalize the official acts of Thomas McKaig; and

Memorial to Congress on the subject of the sale of the public lands north of the Wisconsin river.

On motion of Mr. Rountree,

The Council resolved itself into committee of the whole, Mr. Arndt in the chair, for the consideration of bill No. 34, entitled "a bill to incorporate the stockholders of the bank of Plattville;" and after some time, the committee rose, and reported the bill with amendments.

The amendments were concurred in; and, on the question being put,—*'shall the bill be engrossed for a third reading?'* It was determined in the negative—ayes 0, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Learned, Sterling, Upham, and Vineyard.

Those who voted in the negative, are Messrs. Arndt, Bullen, Collins, Janes, Martin, Rountree, and Maxwell, (President.)

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President—The House of Representatives have concurred in bills of this House of the following titles, to wit :

No. 1. A bill relating to sheriffs ;

No. 9. A bill declaring rivers navigable for certain purposes ;  
and

No. 27. A bill supplemental to an act entitled an act concerning grand and petit jurors ;

"In the latter with amendments, to which I am directed to ask the concurrence of this House.

"And have disagreed to the amendments of this House to bill No. 41, to provide for the payment of the expenses of the Legislative Assembly and for other purposes.

"The Governor has notified the House of Representatives that he has on this day approved an act to amend an act to provide for the punishment of offences against private property."

"I am directed to present the following for your signature, to wit :

An act to legalize the official acts of Thomas McKaig ; and  
A memorial to Congress on the subject of the sale of the public lands north of the Wisconsin river."

The President signed the bills and memorial referred to in the foregoing message,

Bills and a resolution from the House of Representatives, as follows, were severally read a first and second times, viz :

No. 36. A bill to define the northern boundary of the county of Fond du Lac, and to establish the boundary line between said county and Winnebago ;

No. 38. A bill to incorporate medical societies, and to promote medical science.

No. 11. Resolution relative to the northeastern boundary of the Territory ;

Memorials, from the House of Representatives, as follows, were read, and ordered to be committed to committee of the whole, viz ;

No. 6. Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly and of the courts of the Territory ;

No. 12. Memorial to Congress for the relief of John Hood ; and

No. 13. Memorial to Congress for an appropriation for the survey of certain roads therein named.

The amendments of the House of Representative to bill No. 27, entitled "a bill supplemental to the act entitled 'an act concerning grand and petit jurors,'" were read, and concurred in—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Rountree, Sterling, Upham, and Vineyard.

Those who voted in the negative, are Messrs. Collins, Martin and Maxwell, (President.)

And, the message from the House of Representatives, informing that they had disagreed, to all the amendments of Council to bill No. 41, (H. of R.) entitled "a bill to provide for the payment of the expenses of the Legislative Assembly and for other purposes," having been read,

Mr. Arndt moved that the Council do insist upon their amendments to said bill

The motion was disagreed to; and

On motion of Mr. Collins,

*Ordered*, That a committee of conference be appointed by this Council to confer with a similar committee to be appointed by the House of Representatives, in relation to the disagreeing vote of the two Houses on bill No. 41 (H. of R.) entitled, "a bill to provide for the payment of the expenses of the Legislative Assembly, and for other purposes."

Messrs. Collins and Upham were appointed the committee on the part of the Council.

On motion of Mr. Arndt, the Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of memorial No. 13. (H. of R.) entitled "memorial to Congress for an appropriation for the survey of certain roads therein named;"—and, after some time, the committee rose, and reported the memorial, with amendments.

On motion of Mr. Janes,

The amendments were taken up and considered separately.

And, the first and second amendments having been read the same were severally agreed to.

And, the third amendment having been read, viz: Your memorialists would further ask that an adequate appropriation be made to construct a road from Prairie du Chien, Crawford county, to Fort Snelling on the Upper Mississippi."



The same was disagreed to--ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, Collins, Learned, Rountree and Vineyard.

Those who voted in the negative, are Messrs. Arndt, James, Martin, Sterling, Upham and Maxwell, (President.)

The fourth and fifth amendments were then read and agreed to.

The question was then taken on the adoption of the memorial, and determined in the affirmative, ayes 8, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Collins, James, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Learned, Rountree, Upham and Vineyard.

On motion of Mr. Upham, the Council adjourned.

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*Saturday, February 6, 1841.*

Mr. Arnold presented the remonstrance of 260 citizens of the town of Milwaukee, against any action of the Legislature, to retard the construction of the Milwaukee and Rock River Canal;

Also of 140 citizens of the county of Milwaukee for the same object;

Also, of 200 owners and settlers upon the canal lands, for the same object.

Which were read and referred to the committee on incorporations to which petitions upon the subject were referred.

Also petition of 200 citizens of the town of Milwaukee, pray.

ing for the passage of a law authorizing a loan of \$100,000, at seven per cent interest, to be expended on the canal ;

Also of 114 owners of and settlers upon the canal lands, for the same object ;

Also, of 76 citizens of Jefferson county for the same object.

Which were read and laid on the table.

The President laid before the Council a communication from the Governor, notifying that he had on this day examined and approved the following :

An act to legalize the official acts of Thomas McKaig ; and

Memorial to Congress on the subject of the sale of the public lands north of the Wisconsin river.

Mr. Rountree gave notice that he would at some future day ask leave to introduce a bill to incorporate the town of Platteville.

Mr. Learned from committee on enrolment, reported that the committee had examined the following acts and found the same to be correctly enroled, viz :

An act relating to sheriffs ;

An act declaring rivers navigable for certain purposes ; and

An act to amend an act entitled ' an act concerning grand and petit jurors ; and

An act entitled ' an act to provide for the trial of criminal cases. '

Also, that the committee had on yesterday presented to the governor for his approval, the following :

An act to legalize the official acts of Thomas McKaig ; and

Memorial to Congress on the subject of the sale of public lands north of the Wisconsin river.

Mr. Brigham, from the committee on territorial roads, made report, as follows :

The committee on territorial roads, to whom was referred sundry petitions praying for territorial roads, together with bill No. 34, (H. of R. file) entitled " a bill to lay out and establish cer-

tain territorial roads therein named," report the bill back to the House with sundry amendments, covering the prayer of said petitioners, and recommend their adoption.

Which was laid on the table.

Mr. Martin, from the committee on the judiciary, to whom had been referred on the 2d inst. the communication of the Treasurer of the Territory, in reference to the five per cent. of moneys provided for Territorial purposes, and on the 18th ult. bill No. 13, entitled "a bill concerning proceedings in District Courts," made report thereon, as follows:

That no legislation is necessary in relation to the former; and that they recommend to strike out all after the enacting clause in the latter, and to insert several sections in place thereof;

Which was also laid on the table.

Mr. Collins, from the majority of the committee on incorporations, to whom had been referred the petition of citizens of the county of Milwaukee, for a dissolution of the connection which now exists between the Milwaukee and Rock River Canal Company and the Territory; also, several remonstrances of citizens of Milwaukee and Jefferson counties against such dissolution, made a report unfavorable to the prayer of the first petitioners.

Which was also laid on the table.

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President.—I am directed to present the following for your signature, to wit:

An act to restrain pedlars and other persons from trading without licence;

And the following for the concurrence of this House, viz:

No. 40. A bill to organize the county of Calumet;

No. 42. A bill to authorize Asa Clark to build and maintain a dam across the outlet of Pewaukee Lake;

No. 44. A bill to authorize Samuel H. Farnsworth to build and maintain a dam across the south channel of the Menominee river and for other purposes ;

No. 45. A bill relating to the duties of the registers of deeds in the counties of Sheboygan and Manitowoc ;

No. 16. Resolution relative to the adjournment of the Legislature ; and

No. 18. Resolution relative to the election of a Board of Canal Commissioners and a Commissioner of Public Buildings.

"I am further directed to inform this House that Messrs. Dewey and Hacket have been appointed a committee on the part of the House of Representatives, to confer with the committee appointed by this House, to which the disagreement of the two Houses on bill No. 41, is referred, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly and for other purposes ;

"And that the House of Representatives have concurred in bill No. 24, of this House, entitled "a bill to incorporate the village of Racine," with an amendment, and in the amendments of this House to bill No. 20, (H. of R.) entitled "a bill to incorporate the village of Southport," with an amendment of the Council, in which amendments I am directed to ask the concurrence of this House."

The President signed the act referred to in the foregoing message.

On motion of Mr. Vineyard,

The Council resolved itself into committee of the whole, Mr. Learned in the chair, for the consideration of bill No. 38, (H. of R.) entitled "a bill to incorporate medical societies and to promote medical science ;"

And after some time the committee rose and reported the bill with several amendments thereto,

On motion of Mr. Arnold,

*Ordered*, That the bill [and] amendments be laid on the table.

On motion of Mr. Bullen,

The amendment of the House of Representative to the amendment of Council to bill No. 20, (H. of R.) entitled "a bill to incorporate the village of Southport," was taken up, read and concurred in.

On motion of Mr. Arndt, the Council adjourned.

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*Monday, February 8, 1841.*

The President laid before Council two communications from the Governor, as follows :

1. On executive business ; and
2. Notifying the Council that he did on this day examine and approve "an act to restrain pedlars and other persons from trading without licence.

Which were read and laid on the table.

Mr. Upham gave notice that he would on to-morrow, or at some future day, ask leave to introduce "a bill to incorporate the trustees of the Milwaukee Educational Institute at Milwaukee."

Mr. Learned, from committee on enrolment, reported that the committee had examined a 'memorial to Congress for an appropriation for certain roads therein named,' and found the same to be correct:

Also, that the committee had presented on the 6th inst. to the Governor for his approval, 'an act to restrain pedlars and others from trading without licence.'

Mr. Jones in accordance with notice given, obtained leave to

introduce bill No. 37, entitled "a bill to incorporate the Racine Hydraulic Company."

Which was read a first and second times and ordered to be printed.

Resolutions from the House of Representatives, as follows, were read the first and second times, and ordered to be committed to the committee of the whole now, viz :

No. 16. Resolution relative to the adjournment of the Legislature ; and

No. 18. Resolution relative to the election of a Board of Canal Commissioners and a Commissioner of Public buildings.

The Council thereupon resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of resolution No. 16; just read ;

And after some time the committee rose and reported the resolution without amendment.

And pending the question of ordering the resolution to a third reading,

On motion of Mr. Collins,

*Ordered*, That the resolution be laid on the table.

The Council was again resolved into committee of the whole, Mr. Janes in the chair, for the consideration of the resolution No. 18, just read ;

And after a short time the committee rose and reported the resolution with an amendment.

The amendment was concurred in.

Mr. Arnold then moved that so much of the 27th rule as prohibits bills from being read the second and third times on the same day, be suspended with reference to the resolution under consideration, in order that the same may be read the third time now.

Which motion was disagreed to (three-fourths not concurring therein)—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Martin, Upham and Vineyard.

The resolution was thereupon ordered to a third reading.

On motion of Mr. Arnold,

The Council was resolved into committee of the whole, Mr. Bullen in the chair, for the consideration of bill No. 37, (H. of R.) entitled "a bill supplementary to the several acts relating to the Milwaukee and Rock River Canal."

The Clerk of the House of Representatives being announced, the President took the chair, when the following message was received, viz :

" Mr. President—I am directed to present the following bills and resolution for the concurrence of this House, to wit :

No. 29. A bill to amend an act of the Revised Statutes of Wisconsin Territory, entitled 'an act concerning judgments and executions :'

No. 53. A bill to annex a part of the town of Pleasant Prairie to the town of Southport ; and

No. 6. Resolution to provide for the distribution and sale of the Territorial maps.

" I am further directed to inform this House that the House of Representatives have concurred in all the amendments of this House to memorial No. 13, (H. of R.) entitled ' Memorial to Congress for the survey of certain roads therein named.'

" And to present the following for your signature, to wit :

An act declaring rivers navigable for certain purposes ;

An act relating to sheriffs ;

An act to amend an act entitled 'an act concerning grand and petit jurors ;' and

An act to provide for the trial of criminal cases; and  
Memorial to Congress for an appropriation for the survey of  
certain roads therein named."

The President signed the acts and memorial referred to in the  
foregoing message.

The committee of the whole then resumed its session; and  
after some time the committee rose and reported the bill with  
amendments.

The amendments were concurred in.

Mr. Collins moved to adjourn until 3 o'clock, P. M.

Mr. Martin moved to adjourn.

The motion of Mr. Martin was disagreed to, and the Council  
then adjourned until 3 o'clock, P. M.

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### *Three O'clock, P. M.*

The Council proceeded to the consideration of the unfinished  
business of the morning, being on bill No. 37, (H. of R.) entitled  
"a bill supplementary to the several acts relating to the Mil-  
waukee and Rock River Canal."

And the question being put on ordering the bill to a third  
reading,

Mr. James moved a call of the House;

Which was made, and the absent members sent for.

The Sergeant-at-Arms reported the attendance of the absent  
members, except Messrs. Arndt and Learned.

Mr. Sterling then moved to suspend further proceedings in the  
call.

The motion was disagreed to.

Mr. Martin moved to adjourn.



The motion was also disagreed to.

Mr. Collins then moved that further proceedings in the call be suspended.

The motion was agreed to.

And the question being again put on ordering the bill to a third reading ;

Mr. Upham moved to amend the bill further, by adding thereto, as follows :

SEC. . Previous to the issue of any bonds in pursuance of the provisions of this act, it shall be the duty of the Governor to obtain from the Milwaukee and Rock River Canal Company a release of their right, title and interest in and to the canal to be constructed, connecting the Milwaukee and Rock rivers, upon the terms and conditions following, to wit :—1st. The Territory shall pay to said company the sum of money already expended by them, to be audited and allowed by the Governor, not exceeding the sum of ten thousand dollars. 2d. The Territory shall cause the said canal to be constructed at as early a period as the public interest will admit from the funds that can be raised from the lands, or from a lien on the canal itself ; and no material alteration shall be made in the line of the canal as now located.

SEC. . In consideration of the stipulations hereinafter mentioned, and for the performance of which the faith of the Territory is irrevocably pledged, the said company shall, by grant under the corporate seal of said company, release and transfer to the Territory, and future State, of Wisconsin, the right to construct said canal, and the branches thereof, and all the rights, privileges and appurtenances thereto belonging, as fully in all respects, as they are now held or enjoyed by said company. And after the execution of such release and transfer, the said company shall no longer exercise any right or privilege in the construction, management, or control of said canal.

And pending the question on this amendment,

Mr. Upham moved a call of the House,

The call was thereupon ordered, and the absent members sent for. .

Mr. Bullen moved to dispense with further proceedings in the call.

Which was disagreed to.

And pending the report of the Sergeant-at-Arms, who had been sent for the absentees,

Mr. Janes from the committee of enrolment, reported 'an act to incorporate the village of Southport,' to be correctly enrolled,

The following message was then received from the House of Representatives by the clerk thereof:

"Mr. President—I am directed to present the following bill for the concurrence of this House, viz :

No. 43. A bill to amend an act entitled an act for assessing and collecting county revenue.

Also the following for your signature, viz :

An act to incorporate the village of Southport.

"I am further directed to inform this House, that bill No. 17 (C. F.) entitled 'a bill to amend the several acts of the Territory to authorize the levy and collection of taxes,' has been indefinitely postponed."

The President signed the acts referred to in the foregoing message.

And the question being again put on the adoption of the amendment offered by Mr. Upham, it was determined in the negative—ayes 2, noes 11.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Janes and Upham.

Those who voted in the negative, are Messrs. Arnold, Arndt,

Brigham, Bullen, Collins, Learned, Martin, Rountree, Sterling, Vineyard, and Maxwell, (President.)

The question was then taken on ordering the bill to a third reading, and determined in the affirmative—ayes 11, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Learned, Martin, Rountree, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Janes, and Maxwell (President.)

On motion of Mr. Arnold,

*Ordered.* That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to the bill just ordered to a third reading, in order that the same may be read a third time now.

The bill was thereupon read the third time, passed, and the title was agreed to.

On motion of Mr. Rountree,

The Council resolved itself into committee of the whole, Mr. Upham, in the chair, for the consideration of resolution No. 11, (H. of R.) entitled "resolution relative to the northeastern boundary of the Territory."

And after some time the committee rose and reported the resolution without amendment.

The question then being put on ordering the resolution to a third reading.

On motion of Mr. Collins,

*Ordered,* That it be laid on the table.

On motion of Mr. Janes,

The amendment of the House of Representatives to bill No. 24, entitled "a bill to incorporate the village of Racine," was read, viz: (to strike out in the 16th paragraph of the 13th sec-

tion the words *the owners of two-thirds of the lots*, and insert in place thereof the words *two-thirds of the residents*.)

And the question being on concurring therein, it was determined in the negative—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Bul-  
len, Learned, Martin, and Upham.

Those who voted in the negative, are Messrs. Arndt, Brigham,  
Collins, Janes, Rountree Sterling and Maxwell, (President.)

On motion of Mr. Sterling,

The Council proceeded to the further consideration of bill  
No. 5, (H. of R.) entitled "a bill to divorce Peter Howard from  
his wife Sarah Howard, and to change the name of said Howard."

And the question being on ordering the bill to a third reading,  
Mr. Collins moved to amend the bill by striking out the sec-  
ond section thereof.

And pending the question thereon,

Mr. Sterling moved that a call of the Council be made.

The call was made and absent members sent for.

Mr. Collins then moved to adjourn.

The motion was disagreed to.

Mr. Upham then moved to adjourn.

Which was also disagreed to.

Mr. Arnold then moved to suspend further proceedings in the  
call.

Which was also disagreed to.

Mr. Arndt then moved to adjourn.

The motion was also disagreed to.

The question was again put on striking out the second section  
of the bill, and it was determined in the negative—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt,  
Collins and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling, Upham and Vineyard.

Mr. Collins then moved to adjourn.

Which was disagreed to.

The question was then put on ordering the bill to a third reading, and determined in the affirmative—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arndt, Collins, and Maxwell, (President.)

On motion of Mr. Martin, the Council adjourned.

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*Tuesday, February 9, 1841.*

Mr. Arnold presented the account of Harrison Reed for publishing laws of August session, 1840, and for papers furnished during present session.

Referred to committee on claims.

The President laid before the Council two communications from the Governor, as follows :

1. On executive business ; and

2. Notifying the Council that he did on this day approve the following, viz :

An act relating to sheriffs ;

An act declaring rivers navigable for certain purposes ;

An act to amend an act entitled ' an act concerning grand and petit jurors ; and

An act to provide for the trial of criminal cases.'

Which were read and laid on the table.

Mr. Upham presented the petition of citizens of Milwaukee county for territorial roads therein mentioned.

Read, and referred to committee on territorial roads.

Mr. Learned from committee on enrolment, reported that the following were presented, on yesterday, to the Governor, for his approval, viz :

An act relating to sheriffs ;

An act declaring rivers navigable for certain purposes ;

An act to amend an act entitled 'an act concerning grand and petit jurors ;' and

An act entitled 'an act to provide for the trial of criminal cases.'

Resolution No. 18, (H. of R.) entitled "resolution relative to the election of a Board of Canal Commissioners and a Commissioner of Public Buildings," was read the third time,

And the question being on the passage thereof,

Mr. Upham moved that a call of the Council be made, and the absent members sent for.

The call was thereupon made.

Mr. Arndt then moved to suspend further proceedings in the call.

The motion was agreed to.

Mr. Upham then moved to adjourn, and that a call of the House be made on the question thereon.

The call was thereupon made and the absent members sent for.

On motion of Mr. Collins,

Further proceedings in the call were dispensed with.

The question of adjournment was then taken, and determined in the negative.

Mr. Upham moved to lay the resolution on the table.

The motion was disagreed to—ayes 4, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Janes, Martin, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Rountree, Sterling and Maxwell, (President.)

The question was then put, *shall the resolution pass?*—and it was determined in the affirmative—ayes 9, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Janes, Rountree, Sterling, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Martin, Upham, and Vineyard.

The title was then read and agreed to.

Bill No. 5, (H. of R.) entitled “a bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard, having been read the third time, and the question being on the passage thereof,

Mr. Collins moved to lay the bill on the table.

Which was agreed to—ayes 8, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Janes, Rountree, Sterling, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Martin, Upham and Vineyard.

Mr. Rountree, in accordance with notice given, obtained leave to introduce bill No. 26, entitled “a bill to incorporate the town of Plattville.”

Which was read a first and second times and ordered to be printed.

On motion of Mr. Collins, resolution No. 11, (H. of R.) was taken up; when

Mr. Collins moved to amend the resolution, as follows :

Strike out all after the word "to," where it first occurs, in the first line, to the word "the," where it first occurs in the third line, and insert the following, viz : "Open a correspondence with the Governor of;" also, strike out the word "effect," in the third line, and insert the word "ascertain" in place thereof : also, strike out the words "by compromise or otherwise," and insert in place thereof the words "the terms on which."

And further, strike out the second paragraph.

The amendment was agreed to and the resolution was ordered to a third reading.

On motion of Mr. Collins,

*Ordered*, That the twenty-seventh rule be suspended with reference to the bill just ordered to a third reading, and that the same be read a third time now.

The resolution was thereupon read a third time; when

Mr. Collins obtained the unanimous consent of the Council to amend the bill further, by striking out the words "restoration of," and inserting before the words "to the jurisdiction," the words "may be restored."

The resolution was then passed, and the title was agreed to.

Bills and resolution from the House of Representatives, as follows, were read a first and second times and ordered to be committed to committee of the whole, viz :

No. 29. A bill to amend an act of the Revised Statutes of Wisconsin Territory, entitled 'an act concerning judgments and executions;'

No. 40. A bill to organize the county of Calumet;

No. 42. A bill to authorize Asa Clark to build and maintain a dam across the outlet of Pewaukee Lake;

No. 43. A bill to amend an act entitled 'an act for assessing and collecting county revenue;'

No. 44. A bill to authorize Samuel H. Barnsworth to build



and maintain a dam across the south channel of the Menominee river and for other purposes ;

No. 45. A bill relating to the duties of the registers of deeds in the counties of Sheboygan and Manitowoc ;

No. 53. A bill to annex a part of the town of Pleasant Prairie to the town of Southport ; and

No. 6. Resolution to provide for the distribution and sale of the Territorial maps.

On motion of Mr. Janes,

The Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of bill No. 36, entitled 'a bill relative to trunks, baggage, and other unclaimed personal property ;'

And after a short time the committee rose and reported the bill without amendment.

And the report having been received,

On motion of Mr. Arndt,

The bill and amendments were laid on the table.

On motion of Mr. Arnold,

The Council was again resolved into committee of the whole, Mr. Janes in the chair, for the consideration of Memorial No. 6, (H. of R.) entitled ' memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly, and of the courts of the Territory.'

And after some time the committee rose and reported the memorial with amendments.

The amendments were concurred in, and the memorial adopted,

On motion of Mr. Sterling,

The Council again resolved itself into committee of the whole Mr. Arnold in the chair, for the consideration of memorial No. 12, (H. of R.) entitled ' memorial for the relief of John Hood ;'

And after some time the committee rose and reported the memorial without amendment.

The memorial was thereupon adopted.

The following message was then received from the House of Representatives, by the clerk thereof :

“ Mr. President—The House of Representatives has concurred in all the amendments of this House to bill No. 37, (of the House of Representatives) entitled ‘ a bill supplementary to the several acts relating to the Milwaukee and Rock River Canal , and in the amendment of this House to resolution No. 18, entitled,

Resolution relative to the election of board of canal commissioners and a commissioner of public buildings.

“ The Governor has notified the House of Representatives that he has on this day approved the following, to wit :

An act to incorporate the village of Southport ; and a

Memorial to Congress for an appropriation for the survey of certain roads therein named.

“ I am directed to present the following bills for the concurrence of this House, to wit :

No. 56. A bill to change the name of the town of Kinnikinnick ; and

No. 57. A bill to divide the town of Watertown in the county of Jefferson and to establish the town of Union.”

On motion of Mr. Bullen, the Council again resolved itself into committee of the whole, Mr. Brigham in the chair, for the consideration of bill No. 53 (H. of R.) entitled “ a bill to annex a part of the town of Pleasant Prairie to the town of Southport ;” and after some time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Arnold, the Council was again resolved into committee of the whole, Mr. Arndt in the chair, for the consideration of bill No. 43, (H. of R.) entitled ‘ a bill to amend an act for assessing and collecting county revenue,’ and after some

time the committee rose and reported that the committee had made progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Bullen,

*Ordered*, That the bill be printed.

On motion of Mr. Bullen,

The Council was again resolved into committee of the whole, Mr. Sterling in the chair, for the consideration of resolution No. 6, (H. of R.) entitled 'resolution to provide for the distribution and sale of the Territorial maps; and after some time the committee rose, and reported the resolution without amendment.

The report was received; and

On motion of Mr. Arndt,

*Ordered*, That the same be laid on the table.

On motion of Mr. Arndt, the Council was again resolved into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 44, (H. of R.) entitled "a bill to authorize Samuel H. Farnsworth to build and maintain a dam across the south branch of the Menominee river and for other purposes;" and after some time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President—I have been directed to inform this House that seats have been prepared in the Representatives' Hall for the members of the Council, and that the House of Representatives is now ready to proceed to the election of one commissioner of public buildings, and a board of canal commissioners, and that Mr. Barber has been appointed on the part of the House a teller to act in conjunction with such teller as may be appointed

on the part of the Council to canvass the votes to be given for said officers."

On motion of Mr. Bullen,

*Ordered*, That a teller be appointed on the part of the Council to act in conjunction with the teller appointed by the House of Representatives to canvass the votes to be given by joint ballot of the two Houses in the Representatives' Hall this day.

The President thereupon appointed Mr. Vineyard teller on the part of the Council.

On motion of Mr. Collins,

The Council repaired to the Representatives' Hall, in accordance with the notice contained in the message from the House of Representatives.

The business of the convention having been concluded,

The Council resumed their session; when

Mr. Vineyard as teller made report as follows;

That N. C. Prentiss had received a majority of the votes given for commissioner of the public buildings;

That John Hustis had received a majority of the votes given for Register of the Milwaukee and Rock river canal;

That John H. Tweedy had received a majority of the votes given for Receiver of the Milwaukee and Rock river canal;

That George H. Walker had received a majority of the votes given for Acting Commissioner of the Milwaukee and Rock river canal.

The President thereupon declared that N. C. Prentiss was duly elected Commissioner of Public Buildings;

That John Hustis was duly elected Register of the Milwaukee and Rock river canal;

That John H. Tweedy was duly elected Receiver of the Milwaukee and Rock river canal; and

That George H. Walker was duly elected Acting Commissioner of the Milwaukee and Rock river canal.

On motion of Mr. Sterling,  
The Council adjourned until 3 o'clock, P. M.

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*Three O'clock, P. M.*

On motion of Mr. Arndt.

The Council was resolved into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 45, (H. of R.) entitled "a bill relating to the duties of the Registers of deeds of the counties of Sheboygan and Manitowoc;"

And after some time the committee rose, and by their chairman reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Arnold,

Bill No. 38, (H. of R.) entitled "a bill to incorporate medical societies and to promote medical science," was taken up;

And the question being on the adoption of the amendments made in committee of the whole,

On motion of Mr. Arnold,

The amendments were separately read, considered and concurred in.

Mr. Arnold then moved to amend further, as follows, viz :

Sec. In case of the execution of any criminal condemned to death under the laws of the United States, or of this Territory, the marshal of the Territory, or sheriff of the proper county in which such execution shall take place, shall deliver the body of such criminal, after execution, to any physician duly authorized to receive the same in behalf of the county medical society of said county, and to be used for dissection and the promotion of medical and anatomical science.

And pending the question of the adoption thereof,

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President—I am directed to present the following bill for the concurrence of this House, to wit:

No. 46. A bill to provide for the government of the several towns in this Territory and for the revision of county government:

"I am further directed to inform this House that the House of Representatives have receded from their amendments to bill No. 24 of this House, entitled 'a bill to incorporate the village of Racine.'"

The question was then taken on the amendment offered by Mr. Arnold, and determined in the negative—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Bullen, Janes and Sterling.

Those who voted in the negative, are Messrs. Brigham, Collins, Martin, Rountree, Upham, Vineyard and Maxwell, (Pres't.)

Mr. Collins then offered the following amendment, viz:

Any person who shall practice medicine within this territory, who cannot produce a diploma, shall not be entitled to recover any fee therefor, and shall moreover be subject to a fine of not less than twenty-five dollars, nor more than five hundred dollars, in any court having competent jurisdiction, within this Territory."

Which was rejected—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Collins, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Martin, Rountree, Upham and Vineyard.

On motion of Mr. Arndt,

A call of the House was ordered, and the absent member, Mr. Learned, was sent for.

On motion of Mr. Vineyard,

Mr. Learned was excused from attendance.

The bill was thereupon ordered to a third reading—ayes 7, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Jones, Martin, Upham and Maxwell (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Rountree, Sterling and Vineyard.

Bill No. 46. (H. of R.) entitled 'a bill to provide for the government of the several towns in this Territory, and for the revision of county government.'

Was taken up, read a first and second times, and

On motion of Mr. Martin,

Ordered, That it be made the special order for to-morrow.

The following bills from the House of Representatives were taken up, read the first and second times, and ordered to be committed to the committee of the whole, viz :

No. 56. A bill to change the name of the town of Kinnikinnick; and

No. 57. A bill to divide the town of Watertown in the county of Jefferson and to establish the town of Union.

On motion of Mr. Bullen,

The Council was resolved into committee of the whole, Mr. Martin in the chair, for the consideration of the bill just read; and, after some time the committee rose and by their chairman reported bill No. 57, without amendment, and that the committee recommend to strike out the enacting clause from bill No. 56.

On motion of Mr. Upham,

Ordered, That bill No. 56, and the report of the committee of the whole be laid on the table.

Bill No. 57, was ordered to a third reading.

On motion of Mr. Collins, the Council adjourned.

**Wednesday, February 10, 1841.**

Mr. Learned presented the memorial of A. A. Bird, late Acting Commissioner of Public Buildings, praying to be authorized to draw upon J. D. Doty for the amount of an appropriation made by the Legislature for his services as said commissioner.

Read and referred to committee on claims, with instructions to bring in a resolution in accordance with the prayer of the memorialist.

Bills from the House of Representatives, as follows, were severally read the third time, passed, and the titles thereof were agreed to, viz :

No. 38. A bill to incorporate medical societies and to promote medical science.

No. 44. A bill to authorize Samuel H. Farnsworth to build and maintain a dam across the south channel of the Menominee river and for other purposes :

No. 45. A bill relating to the duties of the registers of deeds in the counties of Sheboygan and Manitowish;

No. 53. A bill to annex a part of the town of Pleasant Prairie to the town of Southport; and

No. 57. A bill to divide the town of Watertown in the county of Jefferson, and to establish the town of Union.

On motion of Mr. Sterling,

The Council proceeded to the consideration of executive business.



The executive business having been disposed of,

On motion of Mr. James,

The Council proceeded to the consideration of the special order of the day.

The Council was thereupon resolved into committee of the whole, Mr. Bullen in the chair, for the consideration of bill No. 46, (H. of R.) entitled "a bill to provide for the government of the several towns in this Territory and for the revision of county government."

The clerk of the House of Representatives having been announced, the President took the chair, when the following message was received, viz:

"Mr. President—I am directed to present the following bill for the concurrence of this House, to wit:

Dec. 24. A bill prescribing the tenure of office of certain county officers and for other purposes.

And to inform this House that the House of Representatives have refused to concur in all the amendments of this House to bill No. 27, (H. of R.) entitled 'a bill to provide for the completion of the capital at Madison.'

The committee then resumed its session; and after some time the committee rose and reported progress in the business before them and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Collins,

The Council adjourned until 8 o'clock, P. M.

*Three O'clock, P. M.*

The President laid before the Council a communication from the Governor on executive business.

Which was read and laid on the table.

Mr. Learned from the committee on enrolment, reported the following to be correctly enroled, viz :

An act to divide the town of Watertown in the county of Jefferson, and to establish the town of Union :

An act to annex a part of the town of Pleasant Prairie to the town of Southport ;

An act supplementary to the several acts relating to the Milwaukee and Rock river canal : and

Memorial to Congress for the relief of John Hood.

The Council then resumed in committee of the whole, Mr. Bullen in the chair, the consideration of bill No. 46, (H. of R.) entitled "a bill to provide for the government of the several towns in this Territory and for the revision of county government."

The clerk of the House of Representatives being announced, the President took the chair, when the following message was received, viz :

"Mr. President—I am directed to present for your signature the following bills and memorial, viz ;

An act supplementary to the several acts relating to the Milwaukee and Rock river canal ;

An act to annex part of the town of Pleasant Prairie to the town of Southport ;

An act to divide the town of Watertown in the county of Jefferson and to establish the town of Union ; and

Memorial to Congress for the relief of John Hood."

The President thereupon signed the acts and memorial referred to in the preceding message.

The committee then resumed its session; and after some time the committee rose, reported progress, and asked leave to sit again thereon.

Leave was granted;

Mr. Collins, from the joint committee, to which the subject had been referred, made report, as follows:

The committee of conference appointed on the part of the Council, to confer with a similar committee on the part of the House, in relation to the disagreeing vote of the two Houses on bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly and for other purposes," beg leave to report:

That the committee on the part of the House of Representatives have agreed to recommend the concurrence of the House in the amendments made by the Council to the said bill, with the following amendments thereto, to wit: Strike out the first section of the amendments of the Council to the bill, and insert the following as section 1. "To provide for the expenses of the present, and of the unpaid appropriations for the expenses of the former sessions of the Legislative Assembly, the Secretary of the Territory, or in his absence, the Governor, is hereby authorized to issue, in the name of the Territory, to the several creditors of the Territory, on the execution by them of duplicate receipts for the amounts due them respectively, certificates of the same, setting forth the amount due, and for what purpose, and bearing an interest of ten per cent. per annum; which certificates shall be transferable by endorsement, and for the redemption of which the faith of the Territory, and the several sums appropriated by Congress for the payment of the expenses of the said Assembly, are irrevocably pledged. The said Secreta-

ry or Governor, is hereby authorized, at the request of any such creditor, to issue not more than two certificates for any appropriation that shall be due to such creditor; *Provided*, two certificates shall in no case be issued for any such appropriation when either of said certificates would be for a sum of less than fifty dollars; *and provided, also*, that no such certificate shall be issued for any appropriation that has been, or shall be made by the said Assembly, other than for the legitimate expenses of said Assembly; ~~and provided, further~~, that no such certificate shall be issued for any appropriation made by said Assembly at any former session thereof, until the amount thereof due to each person and remaining unpaid, shall be ascertained; and it is hereby made the duty of said Secretary to ascertain the amount of said unpaid appropriations of former sessions of said Assembly as soon as practicable.

Amend the second section of the amendments of the Council in the seventh line, by striking out the word "his," and insert in lieu thereof the word "the," and insert after the word "duty," in the same line, the words "of the said Secretary or Governor." Also, strike out in the ninth line of said section the word "him," and insert in lieu thereof the words "the said Secretary or Governor, as the case may be."

Amend the third section of the amendments of the Council to the said bill, by striking out in the first line the word "bonds," and insert in lieu thereof the word "certificates."

And the committee on the part of the Council have agreed to recommend to that body its concurrence in the amendments recommended by the committee of conference on the disagreeing vote of the two Houses on said bill to the amendments made by the Council thereto.

The committee on the part of the Council therefore, would recommend the adoption of the following:

*Resolved*, That the Council do concur in the several amendments agreed upon by the committee of conference.

And the question being taken on the adoption of the resolution, it was determined in the affirmative.

On motion of Mr. Rountree,  
The Council adjourned until 10 o'clock on Friday morning.

### *Friday, February 12, 1841.*

Mr. Brigham presented the petition of citizens of Jefferson county, praying that the act to change the form of county and town government, may be amended so as to take effect in said county as soon as in any other county in the Territory.

Read and laid on the table.

Mr. Learned, from committee on enrolment, reported that the committee had examined "An act to incorporate the village of Racine," and found the same to be correctly enroled;

Also, that the committee had presented on Wednesday last, to the Governor, for his approval, the following:

An act supplementary to the several acts relating to the Milwaukee and Rock River canal.

An act to divide the town of Watertown in the county of Jefferson, and to establish the town of Union:

An act to annex a part of the town of Pleasant Prairie to the town of Southport; and,

Memorial to Congress for the relief of John Hood.

On motion of Mr. Bullen,

The Council resolved itself into committee of the whole, Mr. Rountree in the chair, for the further consideration of the unfinished business of Wednesday last, being the bill No. 46, (H. of R.) entitled "a bill to provide for the government of the several towns in this Territory, and for the revision of county government."

The Clerk of the House of Representatives being announced, the President took the chair, when the following message was received, viz:

"Mr. President—The House of Representatives have adopted the report of the committee of conference relative to the disagreeing vote of the two Houses on bill No. 41, (of the House of Representatives) entitled "a bill to provide for the payment of the expenses of the Legislative Assembly and for other purposes;

"And have concurred in all the amendments of this House to the following resolution and memorial of the House of Representatives, to wit;

No. 14. Resolution relative to the northeastern boundary of the Territory;

No. 6. Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly and of the courts of the Territory

"I am directed to request this House to transmit to the House of Representatives a copy of the articles of association of the Fond du Lac Company, and of the petition which prays for an act of incorporation for said company;

"And to inform this House that the Governor has notified the House of Representatives that he has on this day, approved the following bills and memorial, to wit:

An act supplementary to the several acts relating to the Milwaukee and Rock river canal;

An act to annex a part of the town of Pleasant Prairie to the town of Southport;

An act to divide the town of Watertown in the county of Jefferson and to establish the town of Union; and

Memorial to Congress for the relief of John Hood."

The committee of the whole resumed its session; and after a

short time the committee rose and reported the bill with several amendments thereto.

And the question being on concurring in the first amendment to the bill, to strike out the first section of the first chapter ; also, to strike out the words, "not heretofore mentioned," in the second line of the second section, and to add to the section as follows : "and if a majority of the electors in any counties of this Territory shall vote in favor of the adoption of this act, then the county so voting in favor of its adoption, shall be governed by, and subject to the provisions of this act, on and after the first Tuesday of April, 1842."

It was concurred in—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, James, Martin, Rountree, Sterling, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Collins, Learned and Upham.

The remaining amendments were then concurred in.

Mr. Martin then moved further to amend the bill in the first chapter, by striking out in the first section, second line, the words "herein before mentioned," and inserting in place thereof, the words, "which shall have determined by vote in favor of the adoption of this act."

The motion was agreed to.

Mr. Upham then moved to amend further by adding to the tenth section, third part and twelfth chapter, as follows : "and also that said treasurer shall not receive more than twelve and a half cents for every certificate of the sale of any lot or tract of land for taxes."

The motion was also agreed to.

Mr. Collins then moved to amend further by striking out the seventh section, third part and fifth chapter, which reads as follows :

Sec. 7. It shall be the duty of the supervisors and clerk of each town, at least two weeks before the day of the annual town meeting, to make out and post up at the places of holding such meeting, a list of the legal voters of such town, together with a notice that they will be in session at such place, at some hour, on the day of election, previous to the opening of said meeting, for the purpose of perfecting such list of voters; and it shall also be the duty of such board to post up a like list and notice two weeks previous to the general election in September, and that said list, when so perfected, shall be known by the name of "Poll List" of such election, and shall be preserved on file in the clerk's office.

Which motion was determined in the negative—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Collins, Learned, Sterling, Upham and Maxwell; (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Jones, Martin, Rountree and Vineyard.

Mr. Martin then called for the previous question.

And the question being put, "Shall the main question be now put?" It was determined in the negative—ayes 4, noes 9.

So it was determined that the main question shall not be now put.

Mr. Upham then moved to amend further by striking out the 30th section of part 1, chapter 10, which reads as follows:

Sec. 30. The county treasurer shall be entitled, on sales of real estate, to four per centum on the amount of taxes for which the same is exposed to sale, and twenty-five cents for each certificate of sale under this act, which are to be added to [and] estimated in the sum for which any tract of land, or lot, or part thereof, shall be sold.

And pending the question thereon,



Mr. Martin submitted a question of order:—that the refusal of the Council to put the main question now, removes the bill from before the House for the day, and that the motion to amend could not therefore be entertained now,

The President decided the motion to be in order.

From which decision Mr. Martin appealed:

And the question being then put, *"Shall the decision of the President stand as the judgment of the Council?"*

It was determined in the affirmative—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Janes, Rountree, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Bullen and Martin.

The question then recurred on the motion of Mr. Upham, and it was determined in the affirmative.

On motion of Mr. Brigham,

*Ordered*, That the bill be laid on the table.

On motion of Mr. Martin,

Resolution No. 16 (H. of R.) entitled "resolution relative to the adjournment of the Legislature," was taken up.

And the question being on ordering the resolution to a third reading,

Mr. Arndt moved to amend by adding thereto, another resolution, as follows:

*Resolved*, That the sessions of the Legislature shall be held in the town of Milwaukee, until suitable buildings shall have been completed for the accommodation of the Legislative Assembly at the Seat of Government: *Provided*, That all the necessary rooms for the convenience of the officers of the Territory, and for the sitting of the Legislature be there furnished, without expense to the Territory.

Mr. Collins then moved to amend the amendment, by striking therefrom the word "Milwaukee," and inserting in place thereof, the words "Mineral Point."

And pending the question thereon,

On motion of Mr. Arndt,

The Council adjourned until 3 o'clock.

### *Three O'clock, P. M.*

Mr. Learned from the committee on enrolment, reported the following to be correctly enrolled, viz:

An act to provide for the payment of the Legislative Assembly, and for other purposes;

An act to authorize Samuel H. Farnsworth to build and maintain a dam across the south channel of the Menominee river and for other purposes;

An act relating to the duties of the registers of deeds of the counties of Sheboygan and Manitowish;

Resolutions relative to the northeastern boundary of the Territory.

The Council again took up the unfinished business of the morning; being the consideration of resolution No. 16, (H. of R.) entitled "resolution relative to the adjournment of the Legislature;"

And the question being stated to be on the amendment of Mr. Collins to the amendment of Mr. Arndt,

The same was put and decided in the negative—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Collins, Rountree, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arndt, Bullen, Janes, Learned, Martin and Maxwell, (President.)

Mr. Rountree then moved to amend, by striking out "Milwaukee," and inserting "Plattville."

And pending the question thereon,

Mr. Martin called for the previous question.

And the question having been put—"Shall the main question now be put?" it was determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, Janes, Learned, Martin, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins, Rountree, Upham and Vineyard.

The question was then put on ordering the resolution to a third reading, and decided in the affirmative.

On motion of Mr. Collins, (three fourths concurring therein.)

*Ordered*, That so much of the twenty-seventh rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to the resolution before the Council, in order that the same be read the third time now.

The resolution was thereupon read the third time, passed, and title was agreed to.

Bill No. 24, (H. of R.) entitled "a bill prescribing the tenure of office of certain county officers and for other purposes," was read the first and second times.

The Clerk of the House of Representatives was introduced, and the following message was received, viz:

"Mr. President—I am directed to present the following bills and resolution for your signature, to wit:

An act to incorporate the village of Racine.

An act to authorize Samuel H. Farnsworth to build and

maintain a dam across the south channel of the Menominee river and for other purposes;

An act relating to the duties of registers of deeds of the counties of Sheboygan and Manitowish;

An act to provide for the payment of the expenses of the Legislative Assembly and for other purposes; and

Resolution relative to the northeastern boundary of the Territory.

And the following for the concurrence of this House, to wit:  
No. 12. Resolution relative to arming the militia of the Territory.

No. 17. Joint resolution relating to the public printing:

No. 49. A bill to amend an act entitled 'an act to change the time of holding courts in the second judicial district:'

No. 54. A bill to divide the town of Salem and to establish the town of Warwick; and

No. 59. A bill to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties."

The President signed the acts and resolution referred to in the preceding message.

The message from the House of Representatives, notifying the Council that all the amendment of Council to bill No. 27, [H. of R.] entitled, "a bill to provide for the completion of the Capitol at Madison," had been non-concurred in, was read; when,

Mr. Upham moved that the Council do insist on their amendments to said bill.

Mr. Collins demanded that the question be taken separately on each of the amendments.

Mr. Rountree moved to postpone indefinitely the motion of Mr. Upham.

The motion was disagreed to.

Mr. Martin then moved to recede from the first amendment.

Mr. Arnold moved indefinitely to postpone that motion.

The question to postpone was agreed to.

Mr. Collins then moved to recede from all the amendments to the bill.

Mr. Upham moved indefinitely to postpone that motion.

Which was agreed to.

The question then recurred on the motion of Mr. Upham to insist on all the amendments to the bill ; when

Mr. Collins again demanded that the question be taken separately on the amendments.

And pending the question on insisting upon the first amendment,

Mr. Martin moved to recede from the second amendment.

The motion to recede was disagreed to—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Collins, Martin, Rountree and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Sterling, Upham and Maxwell, (President.)

The question then recurred on the motion to insist upon the first amendment to the bill ;

And it was determined in the affirmative—ayes 9, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins, Martin, Rountree, and Vineyard.

Mr. Arnold then moved to insist on the second amendment.

Which was determined in the affirmative—ayes 10, noes 3,

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Jones, Learned, Martin, Sterling, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins, Rountree, and Vineyard.

So the Council insisted upon their amendments to the bill.

Mr. Vineyard then moved that a committee of conference be appointed in relation to the disagreeing vote on said bill.

Which was determined in the negative—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Collins, Jones, Martin, Rountree, and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Bullen, Learned, Sterling, Upham and Maxwell, (President.)

On motion of Mr. Brigham,

The report of the committee on territorial roads on bill No. 34, [H. of R.] entitled "a bill to lay out and establish certain territorial roads therein named," was taken up;

And the bill, together with the amendments reported by the committee were read the second time; when,

On motion of Mr. Upham,

The Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration thereof; and, after some time, the committee rose and reported the bill with amendments.

The amendments were severally concurred in.

Mr. Arnold then moved to amend further, by inserting after the words "Fox river" in the sixth section, the words "of Green Bay."

The amendment was agreed to, and the bill was then ordered to a third reading.

On motion of Mr. Arnold, [three fourths concurring therein,]

*Ordered*, That so much of the 27th rule as prohibits bills

from being read a second and third times on the same day, be suspended with reference to the bill just ordered to a third reading, in order that the same be read a third time now.

The bill was thereupon read the third time, passed, and the title was agreed to.

On motion of Mr. Arndt.

*Ordered*, That bill No. 24, (H. of R.) entitled "A bill to prescribe the tenure of office, of certain county officers, and for other purposes," be printed.

Bills and resolutions, of the House of Representatives, as follows, were severally read a first and second times, viz :

No. 49. A bill to amend an act entitled an act to change the time of holding courts in the several judicial districts ;

No. 54. A bill to divide the town of Salem, and to establish the town of Warwick ;

No. 59. A bill to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties ;

No. 12. Resolution relative to arming the militia of the territory; and,

No. 17. Joint resolution relating to the public printing.

On motion of Mr. Sterling, the Council adjourned.

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*Saturday, February 13, 1841.*

Mr. Arnold presented the accounts of Samuel B. Knapp, fiscal agent of the Legislative Assembly ;

Mr. Vineyard presented the account of M. M. Vineyard for articles furnished the Council ;

Mr. Upham presented the accounts of Timothy Wainwright

and Richard Hurdell: the former for chairs furnished, and the latter for services rendered commissioner of public buildings ;

Which accounts were severally referred to the committee on Claims.

The President laid before the Council a message from the Governor, notifying that he did this day examine and approve an "act to incorporate the village of Racine."

Mr. Learned, from committee on enrolment, reported that the following were presented on yesterday, to the Governor, viz :

An act to provide for the payment of the expenses of the Legislative Assembly, and for other purposes ;

An act to incorporate the village of Racine ;

An act relating to the duties of registers of deeds of the counties of Sheboygan and Manitowoc ;

An act to authorise Samuel H. Parnsworth to build and maintain a dam across the south channel of the Menominee river, and for other purposes ; and

Resolutions relative to the northeastern boundary of the Territory.

Mr. Janes, from committee on Claims, to whom had been referred the memorial of Aug. A. Bird, late commissioner of public buildings, for relief, with instructions relative thereto, reported a resolution, as follows :

No 9. Resolution for the relief of Augustus A. Bird ;

Which was read a first and second times.

On motion of Mr. Arndt,

Resolution No. 6, (H. of R.) entitled "resolution to provide for the distribution and sale of the Territorial maps," was taken up.

And, the question being on ordering the resolution to a third reading.

Mr. Arndt moved to amend the second member of the resolution, by inserting after the word "action" in the second line, the words "during the session of the Legislative Assembly,"



and by striking out, in the same line, the words "and at such time."

The amendment was agreed to, and the resolution was ordered to a third reading.

On motion of Mr. Upham,

Bill No. 46, (H. of R.) entitled "a bill to provide for the government of the several towns of this Territory, and for the revision of county government;" was taken up;

And the question being put on ordering the bill to a third reading, it was determined in the affirmative—yeas 9, noes 4.

And the yeas and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Martin, Rountree, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Sterling and Vineyard.

Mr. Upham then moved to suspend so much of the 27th rule as prohibits bills from being read a second and third times on the same day, in order that the bill just ordered to a third reading, may be read the third time now.

The motion was disagreed to.

Mr. Arnold, from the committee on the judiciary, to whom had been referred bill no 1, (H. of R.) entitled "a bill to amend the several acts concerning justices of the peace," reported the same to the Council with amendments.

The bill and amendments were then read a second time; and

On motion of Mr. Arnold,

The Council resolved itself into committee of the whole, Mr. Learned in the chair, for the consideration of said bill and amendments;

And after some time the committee rose and reported the amendments reported by the committee on the judiciary, to be rejected; and the bill with an amendment.

The report of the committee was concurred in ; when  
Mr. Martin moved to amendment the amendment of the committee by adding another section thereto, as follows :

Sec. In all actions on contract, when the plaintiff shall recover less than five dollars, he shall not recover costs to a greater amount than the amount of damages recovered by him, unless the claim of the plaintiff may be reduced by set-offs allowed the defendant.

The motion was disagreed to—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Martin, Rountree and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Collins, Janes, Learned, Sterling, Upham and Vineyard.

Mr. Martin again moved to amend by adding a section, as follows :

Sec. Whenever a witness, required upon the trial of any cause before a justice of the peace, shall reside more than thirty miles from the place of trial of such cause, the testimony of such witness may be taken by commission, or on notice in the same manner as if such cause was pending in the district court.

The amendment was agreed to.

Mr. Janes then moved to amend by adding a section as follows :

Sec. No person shall be allowed to appeal from any judgment in a Justice's court, unless he, or some one for him, will first make an affidavit stating, [if the judgment was in his favor] that he believed if an appeal was granted, the amount of the judgment, exclusive of costs, would be increased more than ten dollars; [if the judgment was against him, and he was plaintiff,] that he believed he had a good cause of action, or that the judgment exclusive of costs, would be reduced more than ten dollars;

and if the judgment was against him, [and he was defendant,] that he had a good and substantial defence on the merits.

The amendment was lost.

Mr. Martin then moved to amend by adding the following section, viz :

SEC. 3. In all actions on contract, where the sum received by either party, shall be less than five dollars, no appeal shall be allowed to the district court.

Which amendment was also lost.

The bill was thereupon ordered to a third reading—ayes 9, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Martin, Rountree, Sterling, Upham, and Maxwell, [President.]

Those who voted in the negative, are Messrs. Bullen, Janes, Learned and Vineyard.

On motion of Mr. Martin,

The Council was resolved into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 36, [H. of R.] entitled "A bill to define the northern boundary of the county of Fond du Lac, and to establish the boundary line, between said county and Winnebago; and, after some time the committee rose, and reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

Mr. Learned from the committee on enrolment, reported the following to be correctly enrolled :

Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly, and of the courts of the territory.

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President:—The Governor has notified the House of Representatives that he has on this day approved the following bills and resolution, to wit :

An act relating to the duties of the registers of deeds of the counties of Sheboygan and Manitowac :

An act to provide for the payment of the expenses of the Legislative Assembly, and for other purposes :

An act to authorise Samuel H. Farnsworth to build and maintain a dam across the south branch of the Menominee river and for other purposes; and

Resolution relative to the northeastern boundary of the Territory.

"I am directed to present the following bill for the concurrence of this House, to wit :

No. 61. A bill to incorporate the town of Potosi in the county of Grant, and for other purposes.

"And the following memorial for your signature, to wit :

Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly and of the courts of the Territory."

The President signed the memorial referred to in the preceding message.

On motion of Mr. Arndt,

The Council was resolved into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 29, [H. of R.] entitled "A bill to amend an act of the Revised Statutes of Wisconsin Territory, entitled an act concerning judgments and executions,"

And after some time the committee rose and reported progress in the business before them, and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. Upham,

The Council adjourned until 3 o'clock, P. M.

*Three O'clock, P. M.*

Mr. Learned, from Committee on enrolment, reported that the following had been presented to the Governor this day :

Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly, and of the courts of this Territory.

The President laid before the Council a message from the Governor on executive business.

Which was read and laid on the table.

Mr. Upham, in accordance with notice given, obtained leave to introduce a bill, as follows; which was read a first and second times and laid on the table to be printed, viz :

No. 39. A bill to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee.

Mr. Janes, from the Committee on Claims, to whom had been referred sundry accounts, claims, &c. made report thereon;

Which was read; and

On motion of Mr. Janes,

*Ordered*, That the report be referred to the committee on public expenditures, with instructions to incorporate the several sums reported to be due, in the general appropriation bill.

On motion of Mr. Janes,

The Council proceeded to the consideration of executive business.

The executive business was disposed of.

On motion of Mr. Rountree,

The Council resolved itself into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 38, entitled "a bill to incorporate the town of Plattville;"

And after some time the committee rose and reported the bill with amendments.

The amendments were concurred in.

Mr. Upham then moved to amend the bill farther by adding a section thereto, as follows :

Sec. 28. This act may be altered or amended by any subsequent Legislature of the Territory, or State of Wisconsin.

The motion to amend was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Rountree, (three fourths concurring therein.)

*Ordered*, That so much of the 27th rule as prohibits bills from being read the second and third times on the same day, and the thirty-fifth rule, which requires bills to be engrossed before being transmitted to the House of Representatives, be suspended with reference to the bill just ordered to be engrossed for a third reading, in order that the same may be read the third time now, and transmitted to the House of Representatives.

The bill was thereupon read the third time, passed, and the title was agreed to.

On motion of Mr. Janes,

The Council again resolved itself into committee of the whole, Mr. Arnold in the chair, for the consideration of bill No. 37, entitled "a bill to incorporate the Racine Hydraulic Company."

The Clerk of the House of Representatives being announced, the President took the chair, when the following message was received :

" Mr. President—I am directed to inform this House that the House of Representatives have disagreed to all the amendments of this House to bill No. 38, (H. of R.) entitled 'a bill to incorporate medical societies, and to promote medical science.

" And have insisted on their disagreement to the 1st 2nd and 3rd amendments, and have receded from their disagreement to

the fourth amendment of this House to bill No. 27, (H. of R.) entitled

‘A bill to provide for the completion of the Capitol at Madison.’

“The Governor has notified the House of Representatives that he has on this day approved the following memorial, entitled

‘Memorial to Congress relative to appropriations for defraying the expenses of the Legislative Assembly, and of the courts of the Territory.’”

The committee resumed its session; and after short time the committee rose and reported the bill with amendments.

The amendments were concurred in.

Mr. Arnold then moved to strike out the eighth section of the bill, and insert in place thereof, as follows :

Sec. 8. This act may be amended, altered or repealed by any future Legislature of the Territory, or State of Wisconsin.

Which amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

The message from the House of Representatives informing the Council that they had receded from their disagreement to the fourth amendment of the Council to bill No. 27, (H. of R.) entitled “a bill to provide for the completion of the Capitol at Madison,” and had insisted on their disagreement to the first, second and third amendments thereto, having been read,

Mr. Martin moved that the Council do recede from their first, second and third amendments to said bill.

The question was determined in the negative—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, Collins, Martin, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt

Brigham, Janes, Learned, Rountree, Sterling and Maxwell, (President.)

Mr. Martin then moved that a committee of conference be appointed in relation to the disagreeing vote of the two Houses, on the bill under consideration, to confer with a similar committee to be appointed on the part of the House of Representatives.

Which was agreed to.

Messrs. Martin and Learned were appointed the committee.

And the message from the House of Representatives notifying that they had non-concurred in all the amendments made by the Council to bill No. 38, (H. of R.) entitled "a bill to incorporate medical societies and to promote medical science," having been read,

Mr. Collins moved that the Council do insist on their amendments to said bill.

Which was disagreed to—ayes 5, noes 8.

Mr. Janes then moved to recede from their amendments.

Mr. Collins, demanded a division of the question.

And the question being taken on the first amendment, to wit : to insert the name of "Edward M'Sherry" after the name of "Oliver E. Strong," in the first section of the bill.

Which was disagreed to—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Learned, Martin, Rountree, Sterling and Vineyard.

So the Council refused to recede from the first amendment.

On motion of Mr. Martin,

Ordered, That the bill be laid on the table.

On motion of Mr. Janes, the Council adjourned.



*Monday, February 15, 1841.*

Mr. Vineyard presented the communication of citizens of Iowa county in relation to a bill now pending in Council for changing the name of Peter Howard to Robert C. Hoard.

Read and laid on the table.

Mr. Arnold from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 37. A bill to incorporate the Racine Hydraulic Company.

Mr. Arndt, from the select committee to whom had been referred the petition of Thomas McKay, praying the sale of certain canal lands, made report, as follows :

That the prayer of the petition is fully answered by 'an act supplementary to the several acts relating to the Milwaukee and Rock River Canal.' The committee would therefore ask to be discharged from any further consideration of the subject.

The committee was thereupon discharged.

Mr. Upham obtained leave to withdraw certain papers accompanying the petition of Thomas McKay, above referred to.

Mr. Sterling from the committee of conference in relation to the disagreeing vote of the two Houses on memorial No. 8, (H. of R.) entitled "memorial of the Legislative Assembly of the Territory of Wisconsin, relative to changing the organic law," made report that the committee had been unable to come to any agreement on the matter referred to them, and would recommend to the Council the adoption of the following :

*Resolved*, That the Council do adhere to their amendments to said memorial.

Mr. Martin moved to lay the resolution on the table.

The motion was disagreed to.

The question was then taken on the passage of the resolution and determined in the affirmative—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Collins, Upham and Vineyard.

The President laid before the Council a communication from the Governor on executive business.

Which was read and laid on the table.

On motion of Mr. Sterling,

Bill No. 5. (H. of R.) entitled "a bill to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard," was taken up; and

The question being on the final passage of the bill,

Mr. Collins moved to postpone the further consideration of the bill until the first day of the next session.

And pending the question on the motion to postpone,

The following message was received from the House of Representatives by the clerk thereof, viz:

"Mr. President—I am directed to present the following for the concurrence of this House, to wit:

No. 19. A bill to create a fund for the benefit of the creditors of certain monied corporations:

No. 65. A bill relative to the manner of contesting seats in both branches of the Legislative Assembly; and,

No. 14. Resolution relative to the fiscal agency of Moses M. Strong.

"I am directed to inform this House that the House of Representatives have concurred in bills of this House as follows:

No. 7. A bill to provide for the support of illegitimate children:

No. 14. A bill to enlarge the boundaries of Portage county and for other purposes.

"In the latter with amendments in which the concurrence of this House is requested;

"And have adopted the report of the committee of conference appointed on their part by which the House has *adhered* to its disagreement to the amendments of this House, to memorial No. 8, entitled "Memorial of the Legislative Assembly of the territory of Wisconsin, relative to changing the organic law;

"And have appointed Messrs. Burt and Hackett a committee on their part to confer with the committee appointed on the part of this House relative to the disagreement of the two Houses on bill No. 27, entitled "A bill to provide for the completion of the Capitol at Madison."

The question was then taken on the motion to postpone, and determined in the negative—ayes 5, noes 8.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Arndt, Collins, Rountree and Maxwell, [President.]

Those who voted in the negative are Messrs. Brigham, Bullen, Janes, Learned, Martin, Sterling, Upham and Vineyard.

The question then recurred on the passage of the bill, and it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham Bullen, Janes, Learned, Martin, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins, Rountree and Maxwell, (President.)

And the title having been read,

Mr. Martin moved to amend the title so as to read "A bill for the relief of Peter Howard."

Mr. Collins moved to amend the amendment by adding thereto, "and to oppress his wife."

The motion was disagreed to.

Mr. Collins then moved to amend the amendment by adding thereto, "and to declare his children illegitimate."

Which motion was also disagreed to.

Mr. Arnold then moved to amend the amendment by adding thereto, "and to change the name of said Howard without his request."

And pending the question thereon,

Mr. Martin demanded the previous question.

And the question being put—"shall the main question be now put?"—it was determined in the affirmative,—ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, Janes, Learned, Martin, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, and Collins.

The question was then taken on the title of the bill, and agreed to.

Bill No. 46, [H. of R.] entitled "a bill to provide for the government of the several towns in this Territory, and for the revision of county government," was read the third time.

And the question being on the passage thereof,

Mr. Janes obtained leave to amend the bill in the 2nd line of the fifth section of part 2, chapter 2, by striking out the word "act," and inserting "chapter" in place thereof.

The bill was then passed, and the title read, and agreed to.

Bill No. 1, [H. of R.] entitled "a bill to amend the several acts concerning justices of the peace," was read the third time;

And the question being on the passage thereof, it was determined in the affirmative—ayes 6, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Collins, Rountree, Sterling, and Vineyard.

Those who voted in the negative, are Messrs. Bullen, Janes, Learned, Upham and Maxwell, (President.)

The title was then read and agreed to.

Resolution No. 6, (H. of R.) entitled "Resolution to provide for the distribution and sale of the Territorial maps;" was read third time, passed, and the title was agreed to.

Engrossed bill No. 37, entitled "a bill to incorporate the Racine Hydraulic Company," was read the third time, passed, and the title was agreed to.

On motion of Mr. Upham,

The Council was resolved into committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 39, entitled "a bill to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee."

And after some time the committee rose, reported the bill without amendment.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Learned,

The Council was again resolved into committee of the whole, Mr. Arndt in the chair, for the consideration of bill No. 35, entitled "a bill to incorporate the Western Mutual Fire Insurance Company, at Prairie du Chien;"

And after some time the committee rose and reported progress in the bill before them, and asked leave to sit again thereon.

Leave was granted.

Mr. Arnold gave notice that he would on to-morrow ask leave to introduce a bill limiting the writ of error.

On motion of Mr. Collins,

The Council adjourned until 3 o'clock, P. M.

*Three O'clock, P. M.*

The Council was again resolved into committee of the whole, Mr. Brigham in the chair for the further consideration of bill No. 35, entitled "a bill to incorporate the Western Mutual Fire Insurance Company, at Prairie du Chien;"

And after a short time the committee rose and reported the bill with amendments.

The amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Janes,

Bill No. 36, entitled "a bill relative to trunks, baggage, and other unclaimed personal property," was taken up;

And the question being on ordering the bill to be engrossed for a third reading,

Mr. Arndt moved to amend the fifth section, by adding thereto the following:

*Provided, however,* That no part of the proceeds of such sale shall be paid to the person claiming the same, unless it shall be proven that he is legally and justly entitled to the same."

The amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

Bills and resolution from the House of Representatives, as follows, were severally read a first and second times, viz:

No. 19. A bill to create a fund for the benefit of the creditors of certain mortgaged corporations;

No. 61. A bill to incorporate the town of Potosi in the county of Grant, and for other purposes.

No. 65. A bill relative to the manner of contesting seats in both branches of the Legislative Assembly; and

No. 14. Resolution relative to fiscal agency of Moses M. Strong.

The amendments of the House of Representatives to bill No. 14, entitled "a bill to enlarge the boundaries of Portage county and for other purposes," were then read ; when

Mr. Brigham moved to amend the fifth section of the amendment, by inserting after the word "offence" in the fifth line thereof, the following, "and the expense of trial and punishment after conviction where the offence shall have been committed."

The amendment was agreed to.

Mr. Martin then moved further to amend the amendment of the House, by striking out after the words "offices at," in the second line of the sixth section, to the words "Wisconsin Portage," in the sixth line of the same section, so as to read as follows :

Sec. 6. That the county officers of the county of Portage shall hold their offices at Wisconsin Portage.

The amendment was also agreed to, and the amendments as amended, were concurred in.

Mr. Arndt, by leave, offered the following :

*Resolved*, That bill No. 19, (H. of R.) entitled 'a bill to create a fund for the benefit of the creditors of certain monied incorporations,' be referred to the committee on incorporations, with instructions to report such amendments thereto, as shall make the same conform to the provisions of the law creating the safety fund system of the State of New York, which was in force at the time of the passage of the act incorporating the President and Directors of the Mineral Point Bank, and that they be required to report on to-morrow.

And the question being put on the adoption thereof.

Mr. Upham moved to strike out the word "incorporations," and insert in place thereof, the words "the Judiciary."

Which was disagreed to.

The resolution was thereupon adopted.

Mr. Arndt then moved that the further consideration of bill No. 40, (H. of R.) entitled "a bill to organize the county of Calumet," be postponed until the first day of the next session.

Which was determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Learned, Martin, Upham and Vineyard.

On motion of Mr. Rountree,

The Council was resolved into committee of the whole, Mr. Janes in the chair, for the consideration of bill No. 43, (H. of R.) entitled "a bill to amend an act entitled an act for levying and collecting county taxes."

The Clerk of the House of Representatives being announced, the President took the chair, when the following message was received:

"Mr. President—The House of Representatives have concurred in bill No. 33, of this House; entitled 'a bill to incorporate the Fox and Wisconsin Steamboat Company,' with amendments, in which I am directed to ask the concurrence of this House."

The committee resumed its session, and after some time, rose, and reported the bill with amendments.

The amendments were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Collins, (three fourths concurring therein,)

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to the bill just ordered to a third reading, and that the same may be read a third time now.



The bill was thereupon read the third time, passed, and the title was agreed to.

On motion of Mr. Martin,

The amendments of the House of Representatives to bill No. 33, entitled "a bill to incorporate the Fox and Wisconsin Steamboat Company," was taken up, read, considered, and concurred in.

Mr. Arndt, from the committee on engrossed bills, reported the following as being correctly engrossed :

No. 39. A bill to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee.

On motion of Mr. Upham,

*Ordered*, That so much of the 27th rule as prohibits bills from being read the second and third times on the same day, be suspended with reference to the bill just reported to have been engrossed, in order that the bill may be read a third time now.

The bill was thereupon read the third time, passed, and the title was agreed to.

On motion, the Council was resolved into committee of the whole, Mr. Learned in the chair, for the consideration of No. 9, entitled "Resolution for the relief of Augustus A. Bird ;"

And, after some time, the committee rose and reported the same with amendments.

On motion of Mr. Bullen,

The Council adjourned until 9 o'clock A. M. to-morrow.

*Tuesday, February 16, 1841.*

Mr. Learned, from the committee on enrolment, reported the following to be correctly enroled, viz :

An act to divorce Peter Howard from his wife Sarah Howard, and to change the name of said Howard :

An act to incorporate the Fox and Wisconsin Steamboat Company ; and

An act to provide for the support of illegitimate children.

Mr. Arndt, from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 35. A bill to incorporate the Western Mutual Insurance Company, at Prairie du Chien ;

No. 36. A bill relative to trunks, baggage, and other unclaimed personal property.

Which engrossed bills were thereupon read a third time and passed, and the title of bill No. 36, was agreed to.

And the title of bill No. 35 having been read,

On motion of Mr. Arndt,

The same was amended by adding thereto, as follows : " and the Howard Fire Insurance Company of Brown county."

The title as amended was then agreed to.

Mr. Arnold, in accordance with notice given, obtained leave to introduce bill No. 40, entitled " a bill limiting the writ of error."

Which was read a first and second times ; and

*Ordered*, That the printing thereof be dispensed with.

On motion of Mr. Arnold,

The Council was resolved into committee of the whole Mr. Upham in the chair for the consideration of bill No. 40, just read.

And after some time the committee rose and reported the same without amendment.

Mr. Arndt then moved to amend the bill by striking out the word "two" before "years," and inserting in place thereof, "four."

The motion was disagreed to.

Mr. Janes then moved to amend by adding to the bill as follows :

Sec. 2. If any person against whom such judgment shall be made, shall be at the time, either

1. Within the age of twenty-one years ;
2. Insane ; or
3. Imprisoned on any criminal charge, or in execution upon some conviction of a criminal offence for any term less than for life ; or
4. A married woman.

The time during which such disability shall continue, shall not be deemed any portion of the time above limited for bringing a writ of error, but such person may bring the same after the time herein limited for that purpose, within two years after such disability is removed.

Mr. Upham moved to amend the amendment by inserting after the paragraph numbered 4, the following :

5. Without the territory of the United States.

The motion of Mr. Upham was agreed to ; when

On motion of Mr. Janes,

The bill was ordered to lie on the table for the present.

On motion of Mr. Upham,

The Council was resolved into committee of the whole, Mr. Martin in the chair, for the consideration of bill No. 49, (H. of R.) entitled "a bill to amend an act entitled an act to change the time of holding courts in the second judicial district ;"

And after some time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

Mr. Collins from the committee on incorporations, to whom had been referred bill No. 19, (H. of R.) entitled "a bill to create a fund for the benefit of the creditors of certain monied corporations," with instructions in relation thereto, made a report thereon:

Which was read; and

On motion of Mr. Martin,

*Ordered*, That the report be laid on the table to be printed, and made the order for consideration this afternoon.

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President—The House of Representatives have concurred in all the amendments of this House to the following bill and resolutions of the House of Representatives, to wit:

No. 46. a bill to establish a system of town and county government;" and

No. 6. "Resolution to provide for the distribution and sale of the Territorial maps."

"And have concurred in the first amendment and refused to concur in the second amendment of this House to the amendments of the House of Representatives to bill No. 14, [C. F.] entitled "a bill to enlarge the boundaries of Portage county and for other purposes;" and,

"Have also concurred in bill No. 16, of this House entitled "a bill to provide for the support of common schools and for other purposes;" with amendments thereto, in which I am directed to ask the concurrence of this House.

"The House of Representatives have indefinitely postponed the consideration of the amendments of this House to bill No.

1. [H. of R.] entitled "a bill to amend the several acts concerning justices of the peace."

"I am directed to present the following bills for your signature, to wit:

An act to provide for the support of illegitimate children;

An act to incorporate the Fox and Wisconsin Steamboat Company;" and

An act to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard."

The President signed the several acts referred to in the preceding message.

On motion of Mr. Janes,

The council was resolved into committee of the whole Mr. Collins in the chair, for the consideration of resolution No. 12, [H. of R.] entitled "Resolution relative to arming the militia of the Territory:" and,

After some time the committee rose and reported the resolution without amendment.

The resolution was thereupon ordered to a third reading.

On motion of Mr. Upham,

The Council was resolved into committee of the whole, Mr. Sterling in the chair, for the consideration of resolution No. 17, [H. of R.] entitled "joint resolution relating to the public printing;" and,

After some time, the committee rose, and reported the resolution with an amendment.

The amendment was concurred in, and the resolution ordered to a third reading.

On motion of Mr. Collins,

The Council was resolved into committee of the whole, Mr. Arndt in the chair, for the consideration of bill No. 24, [H. of R.] entitled "a bill prescribing the tenure of office of certain county officers and for other purposes;" and

After some time, the committee rose, and reported the bill with amendments.

The amendments were concurred in.

Mr. James then moved to strike out the words "register of deeds," wherever it occurs in the fifth section of the bill.

Which was disagreed to.

The bill was thereupon ordered to a third reading.

On motion of Mr. Learned, (three fourths concurring therein.)

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to bills and resolutions, as follows, from the House of Representatives, in order that the same may be read the [third] time now, viz;

No. 24. A bill prescribing the tenure of office of certain county officers, and for other purposes;

No. 49. A bill to amend an act entitled "an act to change the time of holding courts in the second judicial district";

No. 12. Resolution relative to arming the militia of the Territory: and

No. 17. Joint resolution relating to the public printing:

The said bills were thereupon read the third time, passed and titles were agreed to.

On motion of Mr. James,

The Council was resolved into committee of the whole, Mr. Rountree in the chair for the consideration of bill No. 59; (H. of Ill.) entitled "a bill to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties," and after some time the committee rose and reported the bill with an amendment.

On motion of Mr. Arnold,

*Ordered*, That the bill be laid on the table until this afternoon.

On motion of Mr. Rountree,

The Council was resolved into committee of the whole, Mr. Jones in the chair, for the consideration of bill No. 61, [H. of R.] entitled "a bill to incorporate the town of Potosi, in the county of Grant, and for other purposes; and after some time the committee rose, and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Rountree, [three fourths concurring therein,]

Ordered, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to the bill just ordered to a third reading, in order that the same may be read the third time now.

The bill was thereupon read the third time, passed, and the title was agreed to.

On motion of Mr. Bullen,

The amendments of the House of Representatives to bill No. 16, entitled "a bill to amend an act entitled an act to provide for the support of common schools, and for other purposes," were taken up.

And the same having been read,

Mr. Uphem moved to strike therefrom the 8th section, which reads as follows:

Sec. 8. Whenever a district shall be organized and the returns made agreeably to the 7th section of the act in which this is amendatory, and no school shall be kept in said district, the money appropriated to said district by the county commissioners, shall be retained in the county treasury for the use of said district two years; and in case the said district has not then complied with the provisions of the law entitling it to its apportionment of the school fund, then the same shall be apportioned with other moneys to the several schools in the county entitled by law to the same; and in any county where the commission-

ers have not made an appropriation of the school monies, such funds shall come within the provisions of this section.

Which was disagreed to—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Janes, Rountree, and Upham;

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Collins, Learned, Martin, Sterling, Vineyard, and Maxwell, (President.)

And the question being taken on concurring in the amendments of the House, it was determined in the affirmative—ayes 11, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Learned, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, and Martin.

The message from the House of Representatives notifying the Council that they had refused to concur in the second amendment of the Council to the amendment of the House to bill No. 14, entitled, "a bill to enlarge the boundaries of Portage county, and for other purposes," having been read,

Mr. Martin moved that the Council do insist on their amendment.

Which was agreed to.

On motion of Mr. Janes,

The Council was resolved into committee of the whole, Mr. Learned in the chair, for the consideration of bill No. 65 (H. of R.) entitled, "a bill relative to the manner of contenting seats in both branches of the Legislative Assembly;" and after some time the committee rose and reported the bill with an amendment.

And the question being put on concurring in the amendment



ment of the committee, it was decided in the negative—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, James, Martin, Bountree and Upham.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Sterling and Maxwell, (President.)

Mr. Martin then moved to adjourn the further consideration of the bill until the 4th day of July next.

The motion was disagreed to.

Mr. Collins moved to lay it on the table.

Which was agreed to.

On motion of Mr. Upham,

The Council resolved itself into committee of the whole, Mr. Bullen in the chair, for the consideration of bill No. 54, (H. of R.) entitled "a bill to divide the town of Salem and to establish the town of Watwick;" and after some time the committee rose and reported the bill without amendment.

On motion of Mr. James,

Ordered, That the bill be laid on the table.

The following message was received from the House of Representatives, by the clerk thereof, viz:

"Mr. President—I am directed to present the following title for the concurrence of this House, to wit:

No. 30. A bill regulating trials of the right of property; and

No. 47. A bill supplementary to an act, entitled "an act relating to the militia."

On motion of Mr. James,

The Council was resolved into committee of the whole, Mr. Brigham in the chair, for the consideration of resolution No. 14 (H. of R.) entitled "resolution relative to the fiscal agency of Messrs. M. Strong;" and after some time the committee rose, and reported the resolution with amendment.

On motion of Mr. Janes,  
The Council adjourned until 3 o'clock, P. M.

### Three O'clock, P. M.

The President laid before the Council a message from the Governor on executive business.

On motion of Mr. Collins,

The Council proceeded to the consideration of executive business.

The executive business was disposed of. Mr. Learned, from committee on enrollment reported the following to have been presented this day to the Governor for his approval, viz:

An act to divorce Peter Howard from his wife Sarah Howard and to change the name of said Howard;

An act to provide for the support of illegitimate children; and

An act to incorporate the Fox and Wisconsin Steamboat company.

The Council then proceeded to the unfinished business of the morning, being the consideration of the report of the committee of the whole, on resolution No. 14, (H. of R.) entitled "resolution relative to the fiscal agency of Moses M. Strong;"

And the question being on the concurrence of the Council in the amendment of the committee, it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Janes, Learned, Sterling and Maxwell, (President)

Those who voted in the negative, are Messrs. Bullen, Martin, Rountree, Upham and Vineyard.

Mr. Martin then moved to amend the resolution by adding thereto, as follows: "*Provided*, That if said Strong shall deliver to the Secretary the proper vouchers showing that he has paid to N. C. Prentiss, commissioner of public buildings, the sum of four hundred and forty-seven dollars and forty-four cents, on account of the appropriation made to said Prentiss, the same shall be accepted in liquidation, to that amount of the said sum of eight hundred and eight dollars and ninety four cents."

The amendment was disagreed to—ayes 8, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Janes, Martin, Sterling, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins, Learned, Rountree, and Maxwell, (President.)

The resolution was thereupon ordered to a third reading.

On motion of Mr. Martin the Council was resolved into committee of the whole, Mr. Arnold in the chair, for the consideration of bill No. 19, (H. of R.) entitled "a bill to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" with the amendments reported thereto by the committee on incorporations.

After some time, the committee rose and reported the bill with several amendments thereto.

And the question being put on concurring in the amendments of the committee, it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Martin, Upham and Vineyard.

Mr. Arndt then moved to amend the bill further by striking out, in the second line of the 28th section, the words "chosen by the Legislature, by joint ballot of the two Houses," and inserting, in place thereof, the words, "appointed by the Governor, by and with the advice and consent of the Council."

Mr. Upham then moved to amend the amendment by striking out all after the words "by the," and inserting as follows: "President of the Bank, with the advice and consent of the cashier and tellers."

Which motion to amend the amendment was indefinitely postponed, on motion of Mr. Arnold.

And pending the question on the amendment by Mr. Arndt,

The following message was received from the House of Representatives, by the Clerk thereof:

"Mr. President—The House of Representatives have concurred in the 3d and 5th amendments of this House, and in so much of the first amendment as relates to the county of Walworth, and have disagreed to the 2d 4th and 6th amendments, and in so much of the 1st amendment as relates to the county of Crawford, to bill No. 43; entitled 'a bill to amend an act entitled an act for assessing and collecting county revenue.'

"And have receded from their disagreement to the 2d amendment of this House to bill No. 14, (C. F.) entitled "a bill to enlarge the boundaries of Portage county."

"And have concurred in the amendments of this House to the following:

No. 17. Joint resolution relating to the public printing;

No. 24. A bill prescribing the tenure of office of certain county officers and for other purposes.

"And the following bills of this House, to wit:

No. 4. A bill supplemental to the act concerning testimony and depositions;

No. 20. A bill to amend the act of the Revised Statutes entitled an act concerning writs of attachment;

No. 38. A bill to incorporate the town of Plattville;

No. 19. A bill to incorporate the Fond du Lac Company;

"With amendments to bills Nos. 4, 20 and 38, in which your concurrence is requested.

"And have concurred in the amendments of this House to bill No. 34, [H. of R.] entitled "a bill to lay out and establish certain territorial roads therein named," with an amendment; in which I am directed to ask the concurrence of this House."

The amendment of Mr. Arndt, to bill No. 19, [H. of R.] was then withdrawn.

Mr. Martin moved to amend by inserting after the word "duty" in the third line of the 17th section, the words, "or the duty of one of whom."

Mr. Collins moved to amend the amendment by striking out the word "one," and inserting in place thereof, the words, "a majority;"

Which was agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Martin, Upham and Vineyard.

The amendment as amended, was then adopted, by the same vote as just above given.

Mr. Martin then moved to amend the 18th section of the bill by inserting in the first line thereof, after the word "commissioners" the words, "or one of them."

The motion was declared to be out of order.

Mr. Martin then moved to amend the 20th section, by inserting after the word "commissioners," in the first line, "or either of them," also, by striking out, in the fourth line the words "the said commissioners," and inserting in lieu thereof, the words "such commissioners."

And pending the question thereon,

Mr. Collins called for the previous question.

And the question was then put—" *Shall the main question be now put?* and determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Jones, Martin, Upham, and Vineyard.

And the main question being put on ordering the bill to a third reading, it was determined in the affirmative—ayes 9, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Jones, Martin and Upham.

So the bill was ordered to a third reading.

On motion of Mr. Sterling, the Council adjourned.

*Wednesday, February 17, 1841.*

The President laid before the Council a message from the Governor, notifying the Council that he had this day approved the following acts, viz :

An act to provide for the support of illegitimate children ; and,

An act to incorporate the Fox and Wisconsin Steamboat Company.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enroled, viz :

An act to incorporate the Fond du Lac Company ;

An act to enlarge the boundaries of Portage county and for other purposes ;

An act to amend an act entitled an act to provide for the support of common schools, and for other purposes ;

An act to amend an act entitled an act to change the time of holding courts in the second judicial district ;

An act to provide for the government of the several towns in this Territory and for the revision of county government.

Joint resolution relative to the public printing ; and

Resolution to provide for the distribution and sale of the Territorial maps."

Mr. Janes, from the committee on claims, to whom had been referred the accounts of M. M. Vineyard, Richard Hurdell, and Harrison Reed, reported that the committee had examined and allowed the same.

The claims were thereupon referred to the committee on public expenditures.

Mr. Janes, from the same committee to which had been refer-

red the accounts of Samuel B. Knapp, fiscal agent, made report thereon.

Which was read and referred to committee on public expenditures.

Mr. Bullen, from the committee on public expenditures, reported bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named ;"

Which was read a first and second times.

Resolution No. 14, [H. of R.] entitled "resolution relative to the fiscal agency of Moses M. Stroug," was taken up and read the third time ;

And pending the question on the passage thereon,

On motion of Mr. Janes,

The resolution was ordered to lie on the table.

Bill No. 19, (H. of R.) entitled "a bill to create a fund for the benefit of the creditors of certain monied incorporations and for other purposes ;" was read the third time, passed, and the title was agreed to.

Mr. Arnold from the select committee, to whom was referred the petitions and remonstrances of citizens of Milwaukee county, relative to the construction of a bridge across the Kinnickinnick river, made a report unfavorable to the petitioners, and asked that the committee be discharged from the further consideration of the subject.

The committee were discharged.

On motion of Mr. Rountree,

The amendment of the House of Representatives to bill No. 38, entitled "a bill to incorporate the town of Plattville," was taken up, read and concurred in.

On motion of Mr. Collins,

The amendment of the House of Representatives to the amendments of Council to bill No. 34, [H. of R.] entitled "a



bill to lay out and establish certain territorial roads therein named," was taken up, read and concurred in.

On motion of Mr. Learned,

The message from the House of Representatives, notifying that they had non-concurred in certain amendments of the Council to bill No. 43, [H. of R.] entitled "a bill to amend an act entitled an act for assessing and collecting county revenue," was taken up and read; when

On motion of Mr. Arndt,

*Ordered*, That the Council do adhere to all their amendments to said bill, to which the House of Representatives have disagreed.

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President—I am directed to present the following for your signature, viz:

Resolution to provide for the distribution and sale of the Territorial maps;

Joint resolution relative to the public printing;

Resolution relative to arming the militia of the Territory:

An act to amend an act entitled 'an act to change the time of holding courts in the second judicial district: and

An act to provide for the government of the several towns in this Territory, and for the revision of county government.

"And the following bills for the concurrence of this House, to wit:

No. 62. A bill to provide for the payment of the unpaid appropriations of the Legislative Assembly, and for other purposes; and

No. 64. A bill in addition to an act entitled an act supplementary to the several acts in relation to the Milwaukee and Rock River Canal.

"I am further directed to inform this House that the Gov-

ernor has notified the House of Representatives that he has on this day approved.

An act to divorce Peter Howard from his wife, Sarah Howard, and to change the name of said Howard."

The President signed the acts and resolutions referred to in the preceding message.

The amendments of the House of Representatives to bill No. 4, entitled "a bill supplemental to the act concerning testimony and depositions," were taken up;

And the first amendment having been read, the same was concurred in.

The second amendment was then read; when

Mr. Upham then moved to lay the bill on the table.

The motion was disagreed to.

The question was then taken on concurring in the second amendment and disagreed to.

The 3d and 4th amendments were then concurred in.

Bill No. 30, [H. of R.] entitled "a bill regulating trials of the right [of property,]" was read the first time; when

On motion of Mr. Arndt,

*Ordered*, That the bill be rejected.

The following bills from the House of Representatives were read a first and second times, viz :

No. 47. A bill supplementary to an act entitled an act relating to the militia;

No. 62. A bill to provide for the payment of the unpaid appropriations of the Legislative Assembly and for other purposes; and

No. 64. A bill in addition to an act entitled an act supplementary to the several act in relation to the Milwaukee and Rock River canal.

On motion of Mr. Collins,

The Council was resolved into committee of the whole, Mr.

Aradt in the chair, for the consideration of bill No. 47, (H. of R.) entitled a bill supplementary to an act entitled an act relating to the militia ;"

And after some time, the committee rose and reported the bill with amendments.

The amendments were concurred in and the bill was ordered to a third reading.

On motion of Mr. Rountree,

The Council was again resolved into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 64, [H. of R.] entitled "a bill in addition to an act supplementary to the several acts in relation to the Milwaukee and Rock River canal ;"

And after some time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Stirling,

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to bills, Nos. 47 and 64 [H. of R.] in order that the same may be read the third time now.

The said bills [Nos. 47 and 64, H. of R.] were thereupon read the third time, passed, and the titles thereof were agreed to.

On motion of Mr. Arnold,

The Council adjourned until 3 o'clock P. M.

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### *Three O'clock, P. M.*

Mr. Arndt presented the account of W. W. Wyman, for printing.

Mr. Arnold presented the account of John F. O'Neil for services as commissioner of public buildings.

Which were referred to committee on claims.

On motion of Mr. Janes,

Resolution No. 14, [H. of R.] entitled resolution relative to the fiscal agency of Moses M. Strong; was taken up;

When Mr. Janes moved to reconsider the votes ordering the bill to a third reading, and adopting the amendment reported by the committee of the whole.

The motion was agreed to.

And, the question being again put on concurring in the amendment of the committee, it was determined in the negative—ayes 3, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, and Collins.

Those who voted in the negative, are Messrs. Brigham, Bullen, Janes, Martin, Rountree, Sterling, Upham, Vineyard, and Maxwell, (President.)

Mr. Janes then moved to amend the resolution by adding thereto, as follows: "And the said Secretary shall charge to Nathaniel C. Prentiss the sum of four hundred and forty-seven dollars and forty-four cents, as a part payment of an appropriation made to him by the appropriation act, approved January 13th, 1840; which sum has been paid by the said Moses M. Strong."

The motion was agreed to—ayes 9 noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, Janes, Martin, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, and Collins.

The resolution was then ordered to a third reading.

On motion of Mr. Sterling,

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to the resolution just ordered to a third reading, in order that the same may be read the third time now.

The resolution was thereupon read the third time, passed and the title was agreed to.

The following message was received from the House of Representatives, by the clerk thereof, viz :

“ Mr. President—I am directed to present the following bills for your signature, to wit :

An act to amend an act entitled an act to provide for the support of common schools and for other purposes ; and

An act to enlarge the boundaries of Portage county, and for other purposes.

And the following for the concurrence of this House, to wit :

No. 39. A bill to organize the county of Winnebago ;

No. 66. A bill to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River Canal to Jefferson.”

Mr. Martin, from the joint committee of conference, to which the subject had been referred, made report thereon, as follows :

The committee of conference on the disagreeing vote of the two Houses on the amendments of the Council to bill No. 27, entitled “a bill to provide for the completion of the Capitol at Madison,” ask leave to report :

That they regard the early completion of the Capitol as of great importance to the people of the Territory, both on account of the danger of its proving a total loss if left longer in its present unfinished state, and of the necessity of having suitable rooms for the accommodation of the Legislature and the several Territorial officers.

The original bill proposes to raise a sum of money for that purpose on the bonds of the Territory ; and the amendments of

the Council propose directly to give the contract for its completion to James Morrison, at the price stipulated in his original contract. In either case, the Territory is responsible for the fulfilment of any contract which may be made, and is equally bound to raise a sufficient sum of money to comply with the terms of payment stipulated in it.

By inquiry of Mr. Morrison, it appears that he has received—exclusive of extra work—on his former contract, about \$14,000; and if he now goes on and completes it, he will be entitled to \$12,600 more, to make up the price agreed upon, for the completion of the Capitol. There is also, as we are informed by the commissioner of public buildings, some extra work yet to be done, which may amount to \$1,400, which, added to the price agreed to be paid Morrison, will make the sum of \$14,000, which will be required to pay him to complete the Capitol on the original plan.

The committee are informed that the entire cost of its completion need not exceed the sum of \$9,000, if the contract is given out according to the plan proposed in this bill. It is therefore evident, that should the amendments be adopted, the Territory must lose at least \$5,000 by the operation, which would otherwise be saved.

The liability of the Territory to ultimate payment for this work is the same in either case, and the committee cannot but believe that the fear entertained by some that an act creating a public debt, on this account, is entirely idle. The fund now in the hands of the old commissioners, they have no doubt, will be made available before the time arrives when the bonds of the Territory will become due, and even without this, that it would be better to incur a small debt, than sacrifice the interests of the people by leaving the public building in its present state.

The committee therefore recommend the provisions of the bill

as passed by the House of Representatives, and the adoption by the Council of this resolution :

*Resolved*, That the Council do recede from its first, second and third amendments to bill No. 27, entitled "a bill to provide for the completion of the Capitol at Madison."

And the question being taken on concurring in the resolution, the same was decided in the affirmative.

Mr. Learned, from the committee on enrolment, reported that the following had this day been presented to the Governor for his approval, viz :

An act to amend an act entitled an act to change the time of holding courts in the second judicial district ;

An act to provide for the government of the several towns in this Territory, and for the revision of county government ;

An act to enlarge the boundaries of Portage county, and for other purposes ;

An act to amend an act entitled an act to provide for the support of common schools, and for other purposes ;

Resolution relative to arming the militia of the Territory :

Resolution to provide for the distribution and sale of the Territorial maps ; and

Joint resolution relating to the public printing :

Also, that the committee had examined "an act to incorporate the town of Potosi, in the county of Grant, and for other purposes," and found the same to be correctly enroled.

On motion of Mr. Upham,

The council was resolved into committee of the whole Mr. Bullen in the chair, for the consideration of bill No. 62, [H. of R.] entitled "a bill to provide for the payment of the unpaid appropriations of the Legislative Assembly, and for other purposes ; and,

After some time the committee rose, and reported the bill with amendments,

And the question being on concurring in the amendments of the committee, it was determined in the affirmative, ayes 10, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Janes, Learned, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Martin and Rountree.

The question was then taken on ordering the bill to a third reading, and determined in the affirmative—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Collins, Janes, Learned, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Martin, Rountree, Sterling and Vineyard.

Mr. Arnold moved to suspend the 27th rule with reference to the bill just ordered to a third reading, in order that the same may be read the third time now.

The motion was disagreed to.

On motion of Mr. Bullen,

The Council was resolved into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No 41, [H. of R.] entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named."

The Clerk of the House of Representatives being announced, the President took the chair, when the following message was received, viz :

"Mr. President—The House of Representatives have concurred in bills of this House as follows :

No. 32. "A bill to incorporate the trustees of the Prairieville Academy ;"



No. 39. "A bill to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee; and

No. 35. A bill to incorporate the Western Mutual Fire Insurance Company, at Prairie du Chien, and the Howard Fire Insurance Company, of Brown county;

"In the latter bill with amendments, in which I am directed to ask the concurrence of this House;

"And have receded from their amendments to bill No. 4, of this House entitled "A bill supplemental to the act concerning testimony and depositions;

"And have concurred in the amendments of this House to bill No. 4, [H. of R. file,] entitled "a bill supplementary to an act entitled an act relating to the militia;"

"And have also insisted on their disagreement to the amendments of this House to bill No. 43, [H. of R.] entitled "a bill to amend an act entitled an act for assessing and collecting county revenue;

"And have appointed Messrs. Dewey and Rockwell a committee to confer with a similar committee to be appointed by this House, to which it is proposed to refer the said disagreement of the two Houses. A conference is requested."

The committee again resumed its session, and after a short time,

The Clerk of the House of Representatives was again announced, when the President again took the chair, and the following message was received, viz:

"Mr. President—I am directed to present the following for the concurrence of this House, to wit:

No. 20. Resolution relative to publishing certain laws in the newspapers.

No. 60. A bill relating to the board of county commissioners for the county of Washington;" and,

No. 69. A bill in relation to the courts of equity.

"And to inform this House that the House of Representatives have concurred in the amendments of this House to Resolution No. 14, [H. of R.] entitled "Resolution relative to the fiscal agency of Moses M. Strong;"

And have indefinitely postponed bill No. 29, of this House, entitled "a bill to amend an act entitled an act concerning the lien of mechanics and others for the cost of repairs and improvements on real estate."

The committee again resumed its session; and, after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Martin, the Council adjourned.

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*Thursday, February 18, 1841.*

The President laid before the Council two communications from the governor, as follows :

1. On executive business; and
2. Notifying the Council that he had this day examined and approved the following :

An act to enlarge the boundaries of Portage county and for other purposes ;

An act to amend an act entitled an act to provide for the support of Common Schools, and for other purposes.

Which were read and laid on the table.

Mr. Collins, by leave, introduced a resolution, entitled as follows :

No. 10. Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Auditor General.

Which was read a first and second times.

Mr. Learned, from committee on enrolment, reported the following to be correctly enroled, viz :

An act prescribing the tenure of office of certain county officers, and for other purposes ;

An act supplementary to an act entitled an act relating to the militia ;

An act supplemental to an act concerning testimony and depositions ;

An act to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee ;

An act to incorporate the trustees of the Prairieville Academy ; and.

Resolution relating to the fiscal agency of Moses M. Strong.

Bill No. 42. (H. of R.) entitled "a bill to provide for the payment of the unpaid appropriations of the Legislative Assembly, and for other purposes," was read the third time ;

And the question being on the passage thereof, it was determined in the negative—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Collins, Learned, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Bullen, Janes, Martin, Rountree and Sterling.

So the bill was negatived.

Mr. Janes obtained leave to introduce a bill, as follows, which was read a first and second times, viz :

No. 41. A bill concerning the act to incorporate the village of Racine.

And the rules being suspended with reference to said bill, it was read the third time, passed, and the title was agreed to.

Mr. Rountree presented the account of Jonathan E. Arnold

for copying and preparing for publication the decisions of the August term of the Supreme Court.

Referred to committee on claims.

On motion of Mr. Rountree,

The Council proceeded to the consideration of executive business.

The Executive business being disposed of.

The following message was received from the House of Representatives, by the Clerk thereof, to wit :

" Mr. President—I am directed to present the following for your signature, viz :

" An act to incorporate the trustees of the Prairieville Academy.

" An act to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee.

" An act supplemental to the act concerning testimony and depositions.

" An act prescribing the tenure of certain county officers, and for other purposes.

" An act supplementary to an act entitled an act relating to the militia.

" An act to incorporate the town of Potom in the county of Grant, and for other purposes ; and

" Resolution relating to the fiscal agency of Moses M. Strong.

" And also the following for the concurrence of this House.

" No. 55. A bill to authorize Wm. P. Owen and others to build and maintain a dam across Rock river, and for other purposes.

" No. 71. A bill supplementary to the several acts relating to assessing and collecting county revenue.

" No. 67. A bill supplementary to an act entitled an act concerning costs and fees.

" I am further directed to inform this House, that the Governor has notified the House of Representatives that he has on this day approved the following, to wit :

"An act to provide for the Government of the several towns in this Territory and for the revision of county government.

"An act to amend an act entitled an act to change the time of holding courts in the second judicial district.

"Resolution relative to arming the militia of the Territory.

"Resolution to provide for the distribution and sale of the Territorial maps.

"The House of Representatives have concurred in bill No. 28 of this House, entitled 'a bill supplemental to the act regulating marriages,' with amendments, in which this House is requested to concur; and have adopted the report of the committee of conference, in relation to the disagreement of the two Houses on bill No. 27 (H. of R.) entitled 'a bill to provide for the completion of the Capitol at Madison.'"

The President signed the acts and resolutions referred to in the foregoing message.

The amendments in the House of Representatives to bill No. 20, entitled "a bill to amend the act of the revised statutes, entitled "an act concerning the writ of attachment," were taken up, read; and the first, second, third, fourth, sixth, and eighth, amendments were non-concurred in, and the fifth, seventh and ninth were concurred in.

And the amendment of the House of Representatives to bill No. 35, entitled "a bill to incorporate the town of Plattville, having been read, the same was concurred in.

And the amendments of the House of Representatives to bill No. 28, entitled "a bill supplemental to the act regulating marriages," having been read,

*Ordered*, That the same be non-concurred in.

And, the message from the House of Representatives, notifying the Council that the House had insisted on their disagreement to the amendments of Council to bill No. 43 (H. of R.) entitled "a bill to amend an act entitled an act for assessing

and collecting county revenue," and that Messrs. Dewey and Rockwell had been appointed to confer with a similar committee to be appointed by this Council in relation to the disagreeing votes thereon, having been read ;

*Ordered*, That a committee be appointed in relation to said disagreeing votes.

Messrs. Martin and Collins were appointed of said committee.

Mr. Learned, from committee on enrolment, reported the following to have been presented to the Governor this day, viz :

An act supplemental to an act entitled an act relating to the militia ;

An act supplemental to an act concerning testimony and depositions ;

An act to incorporate the town of Potosi, in the county of Grant, and for other purposes ;

An act to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee ;

An act to incorporate the trustees of the Prairieville Academy ;

An act prescribing the tenure of office of certain county officers, and for other purposes ;

Resolution relating to the fiscal agency of Moses M. Strong.

Mr. Rountree obtained leave to introduce resolution No. 11, entitled " Resolution relative to publication of the laws, and of the decisions of the Supreme Court."

Mr. Collins obtained leave to introduce resolution No. 12, entitled " Resolution relative to removal of Territorial Library ;"

Which resolutions were read a first and second times ; and

On motion of Mr. Rountree, the Council was resolved into committee of the whole, Mr. Arnold in the chair, for the consideration of resolutions No. 11 and No. 12, just read, and of resolution No. 10, entitled " Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General ;"

and, after some time the committee rose and reported the resolutions with an amendment to each.

The amendments to the resolution, were thereupon concurred in, and resolutions Nos. 10, and 12, were ordered to be engrossed for a third reading.

And, the question being on ordering resolution No. 11, to be engrossed for a third reading,

Mr. Collins moved to amend the resolution farther, by striking out the word "two," before "thousand," in the second number thereof, and inserting "one."

The motion was disagreed to—ayes 5, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arndt, Collins, Learned, Martin, and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Janes, Rountree, Sterling, and Upham.

On motion of Mr. Arnold,

*Ordered*, That the resolution be laid on the table.

Mr. Martin then moved to adjourn until 3 o'clock, P. M.

The motion was lost.

Mr. Martin then moved to adjourn until half past 2 o'clock, P. M.

Which motion was also lost.

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President—I am directed to present the following bill for the concurrence of this House, to wit :

No. 63. A bill to incorporate the Madison Typographical Society.

"And to inform this House that the House of Representatives have insisted on all their amendments to bill No. 28, of this House, entitled "a bill supplemental to the act regulating marriages."

And have appointed Messrs. Whiton and Dewey a committee on their part to confer with a similar committee to be appointed on the part of this House, to which the disagreement of the two Houses shall be referred. A committee of conference thereon is requested."

On motion of Mr. Bullen, the Council proceeded to the consideration of the report of the committee of the whole on bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named."

And the first amendment having been read, viz:—To strike out the item appropriating to James Clarke one thousand two hundred dollars for printing laws in 1838,—the same was concurred in—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Bullen, Collins, Learned, Rountree, Sterling and Maxwell (President.)

Those who voted in the negative, are Messrs. Arnold, Brigham, Janes, Martin, Upham, and Vineyard.

And the second amendment was then read, viz:—To strike out "thirty" and insert "fifty" in place, in the appropriation to Wm. C. Bostwick for services as clerk to bank committee—and determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Rountree, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Martin, Sterling and Upham.

The third and fourth amendments were then concurred in; and,

On motion of Mr. Martin,

The Council adjourned until 3 o'clock P. M.



*Three O'clock, P. M.*

Mr. Learned from the committee on enrolment, reported the following to be correctly enroled, viz :

An act to incorporate the town of Plattville ;

An act to lay out and establish certain territorial roads therein named ;

An act to incorporate the Western Fire Insurance Company, at Prairie du Chein, and the Howard Fire Insurance Company of Brown county ;

An act in addition to an act entitled an act supplemental to the several acts in relation to the Milwaukee and Rock River Canal ; and

An act to provide for the completion of the Capitol at Madison.

Mr. Arndt moved that the Secretary of the Council be instructed to request from the House of Representatives that bill No. 52, of that House, entitled " a bill to provide for the payment of the unpaid appropriations of the Legislative Assembly and for other purposes," be returned to the Council for further action thereon.

The motion was agreed to—ayes 7, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Sterling, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Jones, Learned, Martin and Rountree.

The Secretary was therefore directed to request said bill to be transmitted by the House of Representatives to the Council.

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—I am directed to present the following for your signature, to wit :

" An act to provide for the completion of the Capitol at Madison.

" An act to lay out and establish certain territorial roads therein named.

" An act in addition to an act entitled an act supplementary to the several acts in relation to the Milwaukee and Rock River canal," and

" An act to incorporate the town of Plattville.

" I am further directed to request that bill No. 29, of this House, entitled ' a bill relating to the lien of mechanics, &c., ' may be transmitted to the House of Representatives for the further action of that body."

The President signed the acts referred to in the foregoing message.

On motion of Mr. Arndt,

*Ordered*, That the Secretary of the Council do transmit immediately to the House of Representatives, bill No. 29, (C. F.) entitled " a bill to amend an act entitled an act concerning the lien of mechanics and others for the cost of repairs and improvements on real estate," in accordance with the request contained in the message from the House.

Mr. Arndt, from committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 10. Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General ; and,

No. 12. Resolution relating to the removal of the territorial Library.

Mr. Janes, from committee on claims, to whom had been referred the account of J. E. Arnold and W. W. Wyman, report-

ed the former to be correct, and that the committee had examined the latter, and found the charges for printing therein not to be conformable to law.

On motion of Mr. Janes,

*Ordered*, That the report be laid on the table, and that Mr. Wyman have leave to withdraw his account for the purpose of correcting it.

On motion of Mr. Martin, the Council again proceeded to the consideration of the report of the committee of the whole on bill No. 41, (H. of R.) entitled "a bill to provide for the payment of the expenses of the Legislative Assembly, therein named,"

When the fifth amendment was read and concurred in.

The question was then taken on concurring in the sixth amendment, and determined in the negative—ayes 2, noes 10.

Which amendment was as follows:—Strike out item of appropriation to Rev. J. Mitchel, E. Slingerland and Washington Philo, and insert as follows:—"to the Chaplains of the Council and House of Representatives, three hundred dollars."

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt and Sterling.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullem, Collins, Janes, Learned, Martin, Rountree, Upham and Maxwell, (President.)

The seventh, eighth and ninth amendments were then concurred in.

And the tenth amendment having been read,

Mr. Martin moved to amend the same, in the item appropriating to Samuel B. Knapp, fiscal agent, for services, the sum of thirteen hundred and forty-six dollars and ninety-five cents, by inserting in place of that sum, eight hundred dollars.

Which was disagreed to—ayes 4, noes 9.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Martin, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, James, Learned, Rountree, and Sterling.

Mr. Martin then moved to amend, by striking out the item making compensation to Samuel B. Knapp, for amount of accounts suspended at Treas. Department of the United States.

Which was also disagreed to—ayes 3 noes 10.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Martin, Sterling and Upham.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, James, Learned, Rountree, Vineyard and Maxwell, (President.)

The question then recurred on the adoption of the tenth amendment, and it was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, James, Learned, Rountree, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Martin, Sterling and Upham.

The Clerk of the House of Representatives was announced, when the following Message was received, viz:

“ Mr. President—The House of Representatives have concurred in the 1st, 2nd, 3rd, 4th, 6th, 8th and 9th amendments, and have refused to concur in the 5th and 10th amendments of the Council to bill No. 19, entitled “ a bill to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes ;” in the 2nd and 3rd amendments, with an

amendment to each, in which this House is requested to concur.

"And have indefinitely postponed the further consideration of the disagreement of the two Houses relative to the amendments of the House of Representatives to bill No. 20, of this House, entitled "a bill to amend an act entitled an act concerning the writ of attachment."

"And have concurred in bill No. 42, of this House, entitled "a bill concerning the act to incorporate the village of Racine," with amendments, in which the Council is requested to concur."

The Council then resumed the consideration of bill No. 41; when

Mr. Bullen moved to amend the bill further by adding, viz:

"To Jonathan E. Arnold, for services in copying and preparing for publication the decisions of the Supreme Court, August term, 1840, one hundred dollars."

The amendment was agreed to.

Mr. Janes then moved to add the following item to the bill, viz:

"To James Clark, for printing laws for the Territory in the year eighteen hundred and thirty-eight, the sum of eight hundred and thirty-seven dollars and fifty cents."

Mr. Arnold moved to amend the same by striking out "eight hundred and thirty-seven dollars and fifty cent," and inserting in place thereof "one thousand dollars."

The amendment was agreed to, and the motion, as amended, was carried—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Drig- ham, Bullen, Janes, Martin, Upham and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Mr. Martin then moved to add an additional section to the bill as follows:

Sec. 2. This act shall take effect from and after its approval by the Secretary of the Treasury of the United States.

The motion was disagreed to—ayes 3, noes 10.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Martin and Upham.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Collins, Jones, Learned, Routledge, Starling, Vineyard and Maxwell, (President.)

The bill was thereupon ordered to be engrossed for a third reading.

Bills and resolutions from the House of Representatives, as follows, were severally read a first and second time, viz:

No. 39. A bill to organize the county of Winnebago;

No. 55. A bill to authorize Wm. P. Owen and others to build and maintain a dam across the Rock river, and for other purposes;

No. 60. A bill relating to the board of county commissioners for the county of Washington;

No. 63. A bill to incorporate the Madison Typographical Society.

No. 66. A bill to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River Canal to Jefferson;

No. 67. A bill supplementary to an act entitled an act concerning costs and fees.

No. 69. A bill in relation to the courts of equity.

No. 71. A bill supplementary to the several acts relating to assessing and collecting county revenue.

No. 20. Resolution relative to publishing certain laws in the newspapers.

On motion of Mr. Arndt, the Council was resolved into committee of the whole, Mr. Upham in the chair, for the consideration of bill No. 66, [H. of R.] entitled "a bill to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River Canal to Jefferson;" and, after some time, the committee rose and reported the bill with amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Learned, the Council was again resolved into committee of the whole, Mr. Rountree in the chair, for the consideration of bill No. 71, (H. of R.) entitled "a bill supplementary to the several acts relating to assessing and collecting county revenue;" and, after some time, the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Collins,

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be suspended with reference to bills No. 66 and No. 71, (H. of R.) just ordered to a third reading, and to resolution No. 11, entitled "resolution relative to publication of the laws, and of the decisions of the supreme court," and that they be read the third time now.

The said bills and resolution were thereupon read the third time, passed, and the titles were agreed to.

The following message was received from the House of Representatives; by the clerk thereof, viz :

"Mr. President—I am directed to transmit to this House in accordance with a request thereof, bill No. 62, entitled "a bill to provide for the payment of the unpaid appropriations of the Legislative Assembly, and for other purposes," which had been returned to the House of Representatives, as having been negatived.

"I am further directed to inform this House that the House

of Representatives have concurred in bill No. 36, (C. F.) entitled "a bill relative to trunks, baggage, and other unclaimed personal property," and have indefinitely postponed the following bill and resolution, viz:

No. 37. A bill to incorporate the Racine Hydraulic company; and

No. 7. Resolution relative to examination of the Mineral Point Bank."

Mr. Arndt moved a reconsideration of the vote by which bill No. 62, (H. of R.) entitled "a bill to provide for the payment of the unpaid appropriations," of the Legislative Assembly was negatived on its final passage.

The motion was agreed to—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Sterling, Upham, Vineyard and Maxwell (President.)

Those who voted in the negative, are Messrs. Bullen, Jones, Learned, Martin and Rountree.

The question then again recurred on the passage of said bill, and it was again determined in the negative—ayes 6, noes 7.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Collins, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Jones, Learned, Martin, Rountree and Sterling.

Mr. Martin moved that the Council be resolved into committee of the whole, for the further consideration of bill No. 36, (H. of R.) entitled "a bill to define the northern boundary of the county of Fond-du-Lac, and to establish the boundary line between said county and Winnebago."

And, pending the question thereon,

Mr. Upham moved to lay the bill on the table.



The motion was agreed to—ayes 10, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arndt, Brigham, Collins, Jones, Learned, Martin, Rountree, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, and Bullen.

On motion of Mr. Rountree,

The Council was resolved into committee of the whole, Mr. Jones in the chair, for the consideration of bill No. 62, [H. of R.] entitled "a bill to incorporate the Madison Typographical Society;" and, after some time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

Mr. Martin moved to adjourn until half past six o'clock this evening.

The motion was disagreed to.

On motion of Mr. Arndt the Council proceeded to the further consideration of bill No. 38 [H. of R.] entitled "a bill to incorporate medical societies; and to promote medical science;"

And the question being put—will the Council recede from their remaining amendments to said bill?

It was determined in the affirmative—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Jones, Learned, Martin, Upham and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Rountree, Sterling and Vineyard.

So the Council receded from all their amendments to said bill, except the insertion of the name of Edward Mafferry, to which the House of Representatives had disagreed.

On motion of Mr. Jones, the Council concurred in all the

amendments of the House of Representatives to bill No. 42, entitled "a bill supplementary to the act to incorporate the village of Racine."

On motion of Mr. James,

The Council adjourned until 7 o'clock P. M.

### *Seven O'clock, P. M.*

Mr. Arndt, from committee on engrossed bills, reported bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly," to be correctly engrossed.

On motion of Mr. Bullen,

Ordered, That so much of the 27th rule be suspended with reference to the foregoing engrossed bill, and to the resolutions and bill ordered to third reading, and now ready on the table, in order that the same may be read the third time now.

The following bills and resolutions were thereupon read the third time, passed, and the titles were agreed to:

No. 41. A bill to provide for the payment of the expenses of the Legislative Assembly therein named;

No. 63. [H. of R.] A bill to incorporate the Madison Typographical Society;

No. 10. Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General; and,

No. 12. Resolution relating to the removal of the territorial Library.

And the yeas and nays being called for, on the passage of bill No. 41;

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, James, Learned, Rootree, Sterling, Vineyard and Maxwell, (President).

Those who voted in the negative, are Messrs. Aradt, Collins and Martin.

On motion of Mr. Arnold, the Council took up bill No. 40, entitled "a bill limiting the writ of error."

And the question being put on the adoption of the amendment offered by Mr. Janes, (on the 16th inst.) as amended,

The same was agreed to.

Mr. Janes then moved further to amend, as follows :

Sec. 3. But the existence of any disability, specified in the preceding section, shall not authorize the bringing of a writ of error, upon any judgment after the expiration of five years from the time of rendering the same.

Which was also agreed to.

And the question then being put on ordering the bill to be engrossed for a third reading, it was determined in the affirmative—ayes 7, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Janes, Learned, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Aradt, Collins, Martin and Rountree.

On motion of Mr. Rountree, the report of the committee of the whole of bill No. 56, [H. of R.] entitled "a bill to change the name of the town of Kinnickinnik," viz :—to strike therefrom the enacting clause ; was taken up ;

And, the question being on concurring in the report of the committee it was disagreed to.

The bill was therefore ordered to a third reading.

The message from the House of Representatives notifying that they had concurred in the 1st, 2d, 3d, 4th, 6th, 7th, 8th, and 9th amendments, with an amendment to the 2d and 3d each and that they have disagreed to the 5th and 10th amendments of Council to bill No. 19, [H. of R.] entitled "a bill to create

a fund for the benefit of the creditors of certain monied corporations, and for other purposes," was taken up.

And the amendments of the House of Representatives to the second and third amendments of the Council having been read, they were severally disagreed to.

And the ayes and noes being called for, on concurring in the amendment to the third amendment of Council,

Those who voted in the affirmative, are Messrs. Learned and Rountree.

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Bullen, Collins, Janes, Sterling, and Maxwell, (President.)

Mr. Martin was excused from voting.

Mr. Collins then moved that the Council insist on their 5th and 10th amendments to said bill,

Which was agreed to—ayes 8, noes 3.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes and Martin.

On motion of Mr. Arnold,

The Council was resolved into committee of the whole—Mr. Rountree in the chair, for the consideration of bill No. 55, [H. of R.] entitled "a bill to authorize Wm. P. Owen and others to build and maintain a dam across Rock River, and for other purposes;" and, after some time, the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Arnold,

Ordered, That so much of the 27th rule, as prohibits bills from being read a second and third times on the same day, be

suspended with reference to bill No. 55 [H. of R.] just ordered to the third reading, in order that the same may be read a third time now.

The bill was then read the third time, passed, and the title was agreed to.

Mr. Martin from the joint committee of conference in relation to the disagreeing vote on bill No. 43, [H. of R.] entitled "a bill to amend an act entitled an act for assessing and collecting county revenue, made report thereon ;

Which was adopted.

Mr. Arndt, from the committee on engrossed bills, reported bill No 40, entitled "a bill limiting the writ of error," to be correctly engrossed.

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—The House of Representatives have receded from so much of their disagreement to the amendment of this House to bill No 38, entitled "a bill to incorporate medical societies and to promote medical science" as relates to the name of "Edward M'Sherry."

And have refused to reconsider their vote by which bill No. 29, of this House was indefinitely postponed, entitled "a bill to amend an act entitled an act concerning the lien of mechanics and others for the cost of repairs and improvements on real estate."

"I am directed to present the following for the concurrence of this House, to wit :

No. 22. "Joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly."

On motion of Mr. Martin,

The Council was resolved into committee of the whole, Mr. Sterling in the chair for the consideration of bill No. 39, (H. of

R.) entitled "a bill to organize the county of Winnebago;" and, after some time, the committee rose, and reported the bill without amendment.

Mr. Arndt thereupon moved to strike out the enacting clause of said bill.

The motion was disagreed to—ayes 3, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt and Sterling.

Those who voted in the negative, are Messrs. Brigham, Janes, Learned, Martin, and Maxwell, (President.)

And, the question being then put on ordering the bill to a third reading, it was determined in the negative—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Bullen, Janes, Learned, Martin, Rountree and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Brigham, Collins, Sterling and Vineyard.

So, the bill was negatived.

On motion of Mr. Arnold,

*Resolved*, That it is the duty of every member of the Council to remain in the Council room during the session of the Council, unless specially excused.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enrolled, viz:

An act supplementary to the act to incorporate the village of Racine; and,

An act relating to trunks, baggage, and other unclaimed personal property.

On motion of Mr. Brigham, resolution No. 9, entitled "resolution for the relief of A. A. Bird," was taken up;

And the question being put on concurring in the amendment

reported by the committee of the whole, on the 15th inst. the same was agreed to.

The resolution was thereupon ordered to be engrossed for a third reading.

Resolution No. 22, [H. of R.] entitled "joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly," was read a first and second times;

And, on motion of Mr. Rountree the Council was resolved into committee of the whole, Mr. Learned in the chair, for the consideration of said resolution; and, after some time the committee rose, and reported amendments thereto.

The amendments were concurred in.

Mr. Sterling then moved to amend the resolution further by striking out in the second line of the third member thereof, the word "three" before "thousand copies," and inserting in place of it the word "two."

The motion was disagreed to—ayes 6, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Collins, Learned, Rountree, Sterling and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Brigham, Bullen, Janes, Martin, and Maxwell (President.)

The motion was thereupon ordered to a third reading.

On motion of Mr. Rountree,

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day, be dispensed with in reference to the following, and that they be read the third time now, viz :

No. 40. A bill limiting the writ of error;

No. 56. [H. of R.] A bill to change the name of the town of Kinnickinnick; and

No. 22. Joint resolution relative to the printing of the laws

passed at the present and August sessions of the Legislative Assembly.

The said bills and resolution were thereupon read a third time, passed, and the titles to bills No. 40, and No. 56, [H. of R.] were agreed to.

And the title of resolution No. 22, having been read, the same was amended by adding thereto :—"and the decisions of the supreme court."

And the ayes and noes being called for, on the passage of bill No. 56 [H. of R.;

Those who voted in the affirmative, are Messrs. Bullen, Janes, Learned, Martin, Rountree and Vineyard.

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins, Sterling and Maxwell, (President.)

On motion of Mr. Arndt, the Council was resolved into committee of the whole, Mr. Rountree in the chair, for the further consideration of bill No. 29, (H. of R.) entitled "a bill to amend an act of the revised statutes of Wisconsin Territory, entitled an act concerning judgments and executions;" and, after a short time the committee rose and reported the bill with amendments.

The amendments were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Arndt,

*Ordered*, That so much of the 27th rule as prohibits bills from being read a second and third times on the same day be suspended with reference to the bill just ordered to a third reading, and that the same be read the third time now.

The bill was thereupon read a third time, passed, and the title was agreed to.

On motion of Mr. Arndt,

The Council adjourned until 9 o'clock, to-morrow morning.



*Friday, February 19, 1841.*

The President laid before the Council a communication from the Governor, notifying the Council that he had on this day examined and approved the following acts, to wit:

"An act to incorporate the town of Plattville;

An act supplemental to the act concerning testimony and depositions;

An act to incorporate the trustees of the Milwaukee Educational Institute in the town of Milwaukee; and

An act to incorporate the trustees of the Prairieville Academy.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enrolled, to wit:

An act supplementary to the several acts relating to assessing and collecting county revenue;

An act to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River Canal to Jefferson;

An act to authorize Wm. P. Owen and others to build and maintain a dam across Rock river, and for other purposes;

An act to incorporate the Madison Typographical Society.

An act to change the name of the town of Kinnickinnick;

Joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly and the decisions of the Supreme Court.

On motion of Mr. Arnold,

*Resolved*, That William W. Wyman be and he is hereby employed to print two hundred copies of the Journal of the pres.

ent and August sessions of the Legislative Council; to be printed on good paper; and well stitched in good covers, to be completed before the first of September next: *Provided*, said Wyman shall within ten days enter into bonds with the Governor, for the use of the Territory, in the penal sum of five hundred dollars, with sureties to be approved by said Governor; conditional for the faithful performance of the duties herein enjoined upon him.

On motion of Mr. Arnold,

Bill No. 59, [H. R.] entitled "a bill to authorize the county commissioners of the county of Green to procure copies of certain records, from the records of Milwaukee and Iowa counties," was taken up, and the question being on ordering the bill to a third reading,

Mr. Arnold offered the following amendments, to wit:

Sec. 2. It is hereby made the duty of the register of deeds of the county of Milwaukee to procure from the records of the register of deeds of the county of Brown, true and exact copies of the records of all deeds, mortgages, and other instruments recorded in the office of the register of deeds of said county of Brown which relate to land or real estate situated within the limits of the county of Milwaukee; and record the same in a book or books to be procured by him for that purpose, at the expense of the county of Milwaukee.

Sec. 3. The said register of deeds of the county of Milwaukee shall affix to said copies procured and recorded as aforesaid, a certificate under oath, stating that as such register, he has procured and copied the said records in pursuance of this act, and that such copies so recorded by him, are true and exact copies of the original records.

Sec. 4. The copies of the records thus procured, recorded and certified, shall have the same force, effect and validity, that records of deeds have or may by law be entitled to; and shall be

preserved in the office of the register of deeds of Milwaukee county in the same manner that other records are there preserved.

Sec. 5. The said register of deeds of the county of Milwaukee shall be paid from the treasury of said county for performing the duties herein enjoined upon him, the same compensation which he would be entitled to receive for furnishing copies of deeds, mortgages and other instruments recorded in his office, and ten cents per mile for all necessary travel.

Sec. 6. The register of deeds of Brown county shall permit the register of deeds of Milwaukee county to have access to the records of his office for the purpose of procuring such copies."

Which was agreed to, and the bill was ordered to a third reading.

On motion of Mr. Arnold, so much of the 27th of the standing rules, as prohibits bills from being read a second and third times on the same day, was suspended, and the bill was ordered to a third reading now.

The bill was thereupon read a third time and passed; and

On motion of Mr. Arnold, the title thereof was amended, by adding thereto as follows; "and to require the register of deeds of Milwaukee county to procure copies of certain records from the office of the register of deeds of Brown county."

The title as amended was then agreed to.

The following message was received from the House of Representatives, by the clerk thereof, to wit:

"Mr. President—The House of Representatives have concurred in resolutions of this House as follows, to wit:

No. 10. "Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General."

No. 12. "Resolution relative to the removal of the territorial Library."

"And in the amendments of this House to resolution No. 22,

[H. of R.] entitled "joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly."

"I am directed to present the following bills for your signature, to wit :

"An act relative to trunks, baggage, and other unclaimed personal property."

"An act to authorize Wm. P. Owen and others to build and maintain a dam across the Rock river, and for other purposes ;

"A bill to incorporate the Madison Typographical Society."

"An act to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River canal to Jefferson.

"An act supplementary to the act to incorporate the village of Racine.

"An act to incorporate the Western Mutual Fire Insurance Company at Prairie du Chein, and the Howard Fire Insurance Company of Brown county" and

"An act supplementary to the several acts relating to assessing and collecting county revenue,

"And to present for concurrence resolution No. 23 entitled "resolution to abolish the office of fiscal agent.

"And to inform you that the House of Representatives have concurred in the amendment of this House to bill No. 29, entitled, "a bill to amend an act of the revised statutes of Wisconsin Territory, entitled an act concerning judgments and executions."

"I am further directed to inform you that the Governor has notified this House that he did on this day examine and approve

"An act in addition to an act entitled an act supplementary to the several acts in relation to the Milwaukee and Rock river canal.

"An act to lay out and establish certain territorial roads therein named.

"An act to provide for the completion of the Capitol at Madison.

"An act supplementary to an act entitled an act relating to the militia.

"An act to incorporate the town of Potosi, in the county of Grant and for other purposes,

"An act prescribing the tenure of office and for other purposes.

And, resolution relating to the fiscal agency of Moses M. Strong."

The President signed the acts referred to in the foregoing message.

Mr. Upham moved that the Council take up and consider in committee of the whole bill No. 67, (H. of R.) entitled "a bill supplementary to an act entitled an act concerning cost and fees"

The motion was disagreed to.

On motion of Mr. Arndt, said bill was indefinitely postponed.

Resolution No. 22, (H. of R.) entitled "resolution to abolish the office of fiscal agent" was taken up, read the first and second times, when

On motion of Mr. Bullen the Council went into committee of the whole, Mr. Vineyard in the chair for the consideration thereof,

After some time the committee rose and by their chairman reported the resolution without amendment,

Mr. Collins moved to lay it on the table.

Which was disagreed to.

The resolution was thereupon ordered to a third reading.

Mr. Upham moved to suspend so much of the 27th rule as prohibits bills from being read the second and third times on

the same day in order that resolution No. 22, may be read a third time now,

The motion was disagreed to.

On motion of Mr. James,

The Council resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 63, [H. of R.] entitled "a bill in relation to courts of equity.",

After a short time the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Arnold,

*Ordered*, That so much of the 27th of the standing rules as prohibits bills from being read a second and third times the same day be suspended with reference to the bill just ordered to a third reading.

The bill was then read a third time, passed and the title was agreed to.

And the ayes and noes being called for, on the passage thereof,

Those who voted in the affirmative, are Messrs. Arnold, Bullen, James, Learned, Sterling, Upham, Vineyard and Maxwell, (President.) 8.

Those who voted in the negative, are Messrs. Arndt, Collins, Martin and Rountree, 4.

At eleven o'clock the Council took a recess for 30 minutes.

*Half Past Eleven O'clock, A. M.*

Mr. Jones from the committee on enrolment, reported the following resolution to be correctly enroled, to wit :

No. 10, Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General ; and

No. 12. Resolution relative to the removal of the Territorial Library.

Mr. Learned from the committee on enrolment, reported the following as having been presented to the Governor for his approval, to wit :

An act supplementary to the several acts relating to assessing and collecting county revenue ;

An act to incorporate the Western Fire Insurance Company at Prairie du Chien, and the Howard Fire Insurance Company of Brown county ;

An act relative to trunks, baggage and other unclaimed personal property ;

An act to incorporate the Madison Typographical Society.

An act supplementary to an act to incorporate the village of Racine ;

An act to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River canal to Jefferson ; and

An act to authorize Wm. P. Owen and others to build and maintain a dam across Rock river, and for other purposes ;

And, the following as correctly enroled, viz :

An act in relation to courts of equity,

The following message was received from the House of Representatives, by the clerk thereof, to wit :

"Mr. President—I am directed to inform this House that the House of Representatives have adhered to their amendments to the 2d and 3d amendments of this House to Bill No. 19, entitled "a bill to create a fund for the benefit of the creditors of certain monied corporations and for other purposes;

"And have adopted the report of the committee of conference relative to the disagreement of the two Houses, on bill No. 43, (H. of R.) entitled "a bill to amend an act entitled an act assessing and collecting county revenue;

"And have concurred in the amendments of this House to bill No. 59, [H. of R.] entitled, "a bill to authorize the county commissioners of the county of Green and procure copies of certain records from the records of Milwaukee and Iowa counties," and in bill No. 40, of this House, entitled, "a bill limiting the writ of error" with amendments to the latter, in which this House is requested to concur.

I am further directed to present the following for your signature, viz :

An act in relation to courts of equity.

An act to change the name of the town of Kinnickinnick;

Joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly and the decisions of the Supreme Court.

Resolution relative to the removal of the Territorial Library," and

Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General."

The President signed the acts and resolution referred to in the foregoing message.

On motion of Mr. Arant,

Ordered, That a call of the House be made, and the absentees sent for.

Mr. Martin then moved to reconsider the vote, by which the



report of the committee of conference, appointed in relation to the disagreeing vote of the two Houses on bill No. 43, [H. of R.] entitled "a bill to amend an act entitled an act for assessing and collecting county revenue," was adopted.

The motion was agreed to.

Mr. Martin then moved to amend the report, as follows:

Amend the first line in the fourth amendment, by inserting after the word "taxes" the words "except road taxes;" also, by inserting after the word "viewing," in the fifteenth line, the words "and laying out;" also, in the eighteenth line, by inserting after the word "one," the words "and a half."

Add to the sixth section, as follows: Nor shall the county commissioners make an allowance to any commissioner or viewer of roads, for his services, exceeding one dollar and fifty cents per day.

The amendment was concurred in, and the report as amended was adopted.

On motion of Mr. Bullen, bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named," was taken up, and the first, second, third and fourth amendments, made by the House of Representatives to said bill, were read and concurred in.

The fifth amendment was then read, viz: To increase the appropriation to Lafayette Kellogg, for services as assistant Librarian during the present session, from fifty dollars to one hundred dollars:

And, the question being taken thereon, the same was concurred in—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Collins, Learned, Sterling, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Bullen, Janes, Martin, Rountree, and Upham.

The sixth amendment having been read : To strike out the appropriation to John S. Horner, for balance due him as Secretary of the Territory—the same was non-concurred in.

The seventh and eighth amendments were then read and concurred in ; and,

The ninth amendment having been read : appropriating the sum of fifteen hundred dollars to the Secretary of the Territory for the payment of the interest to accrue on certificates to issue in pursuance of an act entitled an act to provide for the payment of the expenses of the Legislative Assembly ; approved February 13, 1841 ;

Mr. Martin moved to amend the same, by adding thereto as follows, to wit : For furnishing the Council Chamber, Hall of the House of Representatives, Governor's room, and Secretary's office when the Capitol shall be completed, to be expended under the direction of the Secretary of the Territory, three thousand dollars.

Which was agreed to ; and

The amendment as amended, was concurred in.

The tenth amendment having been read : appropriating the sum of one hundred and seven dollars to Welch & Plowman for printing in newspaper the laws passed at the session of 1839-40,

The Council refused to concur therein.

The eleventh amendment was then read, viz : appropriating to Daniel H. Richards for printing the laws, as above stated, the sum of one hundred and seven dollars ; when,

Mr. Martin moved to amend the same by striking out "seven," and inserting in place thereof, "four."

Which was agreed to, and the amendment, as amended, was concurred in—ayes 8, noes 5.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Martin, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Janes, Learned and Rountree.

Mr. Collins then moved to reconsider the vote by which the tenth amendment was non-concurred in.

Which was agreed to.

And the question then being on concurring in the tenth amendment,

Mr. Janes moved to amend the same, by striking out the word "seven," before "dollars," and inserting "four," in place thereof.

The motion was agreed to, and the amendment, as amended, was concurred in—ayes 9 noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Brigham, Bullen, Learned, Martin, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt, Collins, Janes and Rountree.

The twelfth amendment was then read, and concurred in.

And, the thirteenth amendment having been read, viz : appropriating the sum of two hundred dollars to the Adjutant General to meet the expenses of his office for the present year, and to cover the unpaid expenses of 1840—the same was rejected—ayes 5, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Janes, Martin and Vineyard.

Those who voted in the negative, are Messrs. Arndt, Bullen, Collins, Learned, Rountree, Sterling, Upham and Maxwell, (President.)

The fourteenth amendment was then read, viz : appropriating the sum of two hundred and fifty dollars to Jno. F. O'Neill, in full for his services as commissioner of public buildings ;

When, Mr. Martin moved to amend the same, by substituting the following section, in place thereof, viz :

Sec. There shall be appropriated to John F. O'Neill, for forty-two days services as commissioner of public buildings, (between Dec. 7th, 1836, and March 8th, 1839,) agreeably to an estimate of the then acting commissioner, the sum of two hundred and fifty dollars, in full for all services as such commissioner ; which appropriation shall be paid by the commissioner of public buildings from any monies belonging to this Territory which may be collected from, or received in settlement with J. D. Doty, J. F. O'Neill, and A. A. Bird, former commissioners of public buildings.

The amendment was agreed to.

The fifteenth and sixteenth amendments were then read and concurred in.

And the seventeenth amendment having been read, viz ; appropriating to N. C. Prentiss, for services as commissioner of public building, during the last year, the sum of three hundred and thirty-five dollars ; the same was concurred in—ayes 9, noes 2.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arndt and Rountree.

And, eighteenth amendment having been read, viz : appropriating the sum of twenty-five dollars to N. C. Prentiss for the payment of the expenses of W. N. Seymour for attendance as a witness at Mineral Point, in suits against former commissioners of public buildings ; the same was concurred in—ayes 8, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Bullen, Janes, Martin, Sterling, Upham, Vineyard and Maxwell, (President.)

Those who voted in the negative, are Messrs. Arnold, Arndt, Collins and Rountree.

The nineteenth, twentieth, and twenty-first amendments were then read, and concurred in.

Mr. Learned from the committee on enrolment, reported that the following had been presented this day to the Governor for his approval, viz :

An act to change the name of the town of Kinnickinnick;

An act in relation to courts of equity.

Joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly and the decisions of the Supreme Court.

Resolution relative to the removal of the Territorial Library," and

Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General."

On motion of Mr. Martin,

The Council adjourned until half past two o'clock P. M.

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### *Half Past Two O'clock, P. M.*

The President laid before Council two communications from the Governor, viz :

1. On executive business ; and
2. Notifying the Council that he had this day examined and approved the following :

An act relative to trunks, baggage and other unclaimed personal property ;

An act supplementary to the act to incorporate the village of Racine ; and

An act to incorporate the Western Fire Insurance Company at Prairie du Chien, and the Howard Fire Insurance Company of Brown county ;

Which were read, and laid on the table.

Mr. Learned, from the committee on enrolment, reported the following to be correctly enroled, viz :

An act to amend an act of the revised statutes of Wisconsin Territory, entitled an act concerning judgments and executions ; and

An act to incorporate medical societies, and to promote medical science.

On motion of Mr. Collins, the Council proceeded to the consideration of executive business.

The executive business being disposed of,

On motion of Mr. Collins, so much of the message from the House of Representatives as relates to bill No. 19, of that House, entitled "a bill to create a fund for the benefit of certain monied corporations and for other purposes ;" was taken up, and read ; when

Mr. Collins moved that the Council do again insist upon their amendments to said bill, and to their disagreement to the amendments of the House of Representatives to certain of the amendments of Council to said bill.

The motion was agreed to—ayes 8, noes 4.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Arndt, Brigham, Collins, Learned, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Bullen, Janes, Upham and Vineyard.

On motion of Mr. Bullen the Council resumed the consideration of the amendments of the House of Representatives to bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named ;"

And, the twenty-second amendment having been read, viz : appropriating the sum of one hundred and sixty five dollars to Moses M. Strong, for professional services as attorney in suits of this Territory, the same was concurred in—ayes 11, noes 1.

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arnold, Brigham, Bullen, Collins, Janes, Learned, Rountree, Sterling, Upham, Vineyard and Maxwell, (President.)

Mr. Arndt voted in the negative.

The twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth amendments were then severally read and concurred in.

And the twenty-ninth amendment having been read,

Mr. Brigham moved to strike therefrom the proviso, attached to the first member thereof, which reads as follows : "*Provided*, that the said Augustus A. Bird shall produce a certificate from James D. Doty that he has not paid the same, or any part of it, to said Bird.

The motion was agreed to.

The following message was then received from the House of Representatives, by the clerk thereof, viz :

"Mr. President—I am directed to present the following for your signature, viz :

An act to amend an act of the revised statutes of Wisconsin Territory, entitled an act concerning judgments and executions; and

An act to incorporate medical societies, and to promote medical science.

The President signed the acts referred to in the preceding message.

Mr. Martin then moved to amend the 29th amendment further by striking out the words, "and the sum which the commissioner of public buildings was authorized to pay to Augustus A. Bird," and inserting in place thereof, as follows: "to H. N. Wells Attorney General, and to N. C. Prentiss, L. H. Cotton and J. L. Thayer, commissioners of public buildings, and the sum allowed A. A. Bird, late commissioner."

The amendment was agreed to and the amendment as amended, was concurred in.

The thirteenth (and last) amendment was then read and concurred in.

The amendments of the House of Representatives to bill No. 40, entitled "a bill limiting the writ of error," were then read and concurred in.

Mr. Vineyard obtained leave to withdraw from the files of the Council; certain papers in relation to the erection of a suitable building for the accommodation of the Legislative Assembly at Aztalan, Jefferson county.

Mr. Collins moved to reconsider the vote of this morning by which resolution No. 22, (H. of R.) entitled "resolution to abolish the office of fiscal agent," was refused to be put on its final passage this day.

The motion was agreed to.

The question then recurred on the motion to suspend so much of the 27th rule, as prohibits bills from being read a second and third times on the same day, with reference to the resolution just named, and to read the same the third time now; and it was determined in the affirmative.



The said resolution was therefore read, passed, and the title was agreed to.

Mr. Martin moved a reconsideration of the vote by which the twenty-ninth amendment of the House of Representatives to bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly therein named," was concurred in.

The motion was disagreed to.

On motion of Mr. Arnold,

The Council was resolved into committee of the whole, Mr. Learned in the chair, for the consideration of bill No. 60, [H. of R.] entitled "a bill relating to the board of county commissioners for the county of Washington;" and, after some time, the committee rose and reported the bill without amendment.

The bill was thereupon ordered to a third reading.

On motion of Mr. Arnold,

*Ordered,* That so much of the 27th rule as prohibits bills from being read a second and third times on the same day be suspended with reference to the bill just ordered to a third reading, and that the same be read the third time now.

The bill was thereupon read a third time, passed and the title was agreed to.

On motion of Mr. Arnold the Council, at four o'clock, P. M. took a recess for thirty minutes.

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### *Half Past Four O'clock, P. M.*

Mr. Learned, from the committee on enrolment, reported that the following had been this day presented to the Governor, for approval:

An act to amend an act of the revised statutes of Wisconsin.

sin Territory, entitled an act concerning judgments and executions; and,

An act to incorporate medical societies, and to promote medical science.

Also, the following to be correctly enrolled, viz :

An act to amend an act for assessing and collecting county revenue ;

An act to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties, and to require the registers of deeds of Milwaukee county to procure copies of certain records from the office of the register of deeds of Brown county ;

An act limiting the writ of error and for other purposes ;

An act relating to the board of county commissioners of the county of Washington ; and,

Resolution to abolish the office of fiscal agent.

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—The House of Representatives have receded from their 6th and 13th amendments [to which the Council had disagreed,] and have concurred in all the amendments of Council to the amendments of the House to bill No. 41, entitled "a bill to provide for the payment of the expenses of the Legislative Assembly."

" I am directed to request that bill No. 20, of this House, entitled "a bill to amend the act of the revised statutes entitled 'an act concerning the writ of attachment,' " may be transmitted to the House of Representatives for their further consideration.

" The Governor has notified the House of Representatives that he did on this day examine and approve the following :

An act supplementary to the several acts relating to assessing and collecting county revenue ;

"An act to authorize the construction of a towing path from the western termination of the Milwaukee and Rock River canal to Jefferson.

An act to incorporate the Madison Typographical Society ; and,

An act to authorize Wm. P. Owen and others to build and maintain a dam across Rock river, and for other purposes ;

"The House of Representatives have appointed Messrs. Brown and Whiton a committee on their part to act in conjunction with a similar committee, to be appointed on the part of the Council, to wait upon His Excellency, the Governor, and to ascertain whether he has any further business to lay before the two Houses at this present session ;

"I am directed, also, to present the following for your signature, viz :

An act limiting the writ of error, and for other purposes ;

An act relating to the board of county commissioners of the county of Washington ;

An act to amend an act entitled an act for assessing and collecting county revenue ;

An act to authorize the county commissioners of Green county to procure copies of certain records from the records of Milwaukee and Iowa counties, and to require the register of deeds of Milwaukee county to procure copies of certain records from the office of the register of deeds of Brown county ; and

Resolution to abolish the office of Fiscal Agent."

The President signed the acts and resolution referred to in the preceding message.

Mr. Martin then moved that the Secretary of the Council be directed to transmit to the House of Representatives, *immediately*, bill No. 20, entitled "a bill to amend the act of the revised statutes, entitled an act concerning the writ of attachment," in accordance with the request of that House.

The motion was agreed to—ayes 7, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative are Messrs. Arnold, Arndt, Learned, Martin, Rountree, Sterling and Maxwell, (President.)

Those who voted in the negative, are Messrs. Brigham, Bullen, Collins, Janes, Upham and Vineyard.

Mr. Arndt, from the committee on engrossed bills, reported resolution No. 9, entitled "Resolution for the relief of Augustus A. Bird," to be correctly engrossed; when,

On motion of Mr. Brigham,

*Ordered*, That the resolution do lie on the table.

Mr. Learned, from the committee on enrolment, reported the following as presented to the Governor this day, viz :

An act limiting the writ of error, and for other purposes;

An act relating to the board of county commissioners of the county of Washington;

An act to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties, and to require the register of deeds of Milwaukee county to procure copies of certain records from the office of the register of deeds of Brown county;

An act to amend an act entitled an act for assessing and collecting county revenue; and,

Resolution to abolish the office of Fiscal Agent.

On motion of Mr. Upham,

The Council adjourned until 7 o'clock, P. M.

*Seven O'clock, P. M.*

Mr. Learned, from the committee on enrolment, reported "an act to provide for the payment of the expenses of the Legislative Assembly therein named," to be correctly enroled.

Mr. Collins obtained leave to introduce the following resolution, viz :

*Resolved*, That the President of the Council be and hereby is authorized to appoint a committee, to consist of three members, the duty of whom, or a majority thereof, it shall be to make a thorough examination of the state and condition of the Bank of Mineral Point, at such time or times as they may deem proper, previous to the next annual meeting of the Legislature ; it shall also be their duty to cause the result of such examinations to be published in some newspaper at the seat of government, and to make report to the Council at the next annual session.

And the question being put on the adoption of the resolution, it was determined in the affirmative—ayes 9, noes 1 ;

And the ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Arndt, Brigham, Bullen, Collins, Martin, Rountree, Sterling, Upham and Maxwell, (President.)

Mr. Janes voted in the negative.

The President thereupon appointed Messrs. Arnold, Martin and Learned, said committee.

The following message was received from the House of Representatives by the clerk thereof, viz :

" Mr. President—The House of Representatives has refused to reconsider its vote by which bill No. 20, of this House, entitled " a bill to amend the act of the revised statutes, entitled an

act concerning writs of attachment," was indefinitely postponed.

"The Governor has notified the House of Representatives that he did on this day examine and approve the following, viz :

An act to amend an act of the revised statutes of Wisconsin Territory, entitled an act concerning judgments and executions ;

An act to incorporate medical societies, and to promote medical science ;

An act to amend an act entitled an act for assessing and collecting county revenue ;

An act relating to the board of county commissioners of the county of Wasington ;

An act to authorize the county commissioners of the county of Green to procure copies of certain records from the records of Milwaukee and Iowa counties, and to require the register of deeds of Milwaukee county to procure copies of certain records from the office of the register of deeds of Brown county ;

An act in relation to the courts of equity ;

An act to change the name of the town of Kinnickinnick ;

Joint resolution relative to the printing of the laws passed at the present and August sessions of the Legislative Assembly, and the decisions of the Supreme Court ; and

Resolution to abolish the office of Fiscal Agent.

"I am directed to present the following for your signature, viz :—

An act to provide for the payment of the expenses of the Legislative Assembly therein named."

The President signed the act mentioned in the preceding message.

The President laid before the Council a message from the Governor notifying that he had approved the following this day, viz :

**An act limiting the writ of error, and for other purposes ;  
Resolution relative to the removal of the Territorial Library ;  
and,**

Resolution authorizing the Treasurer of the Territory to pay certain drafts of the Adjutant General.

Which was read, and laid on the table.

Mr. Learned, from the committee on enrolment, reported "an act to provide for the payment of the expenses of the Legislative Assembly therein named," to have been, this day, presented to the Governor for approval.

On motion of Mr. Collins,

**Resolved,** That a committee be appointed by the Council to act in conjunction with the committee of the House, to wait upon His Excellency, the Governor, and ask him if he has any further communications to lay before the Legislative Assembly at the present session.

Messrs. Collins and Martin were appointed the committee.

The President laid before the Council a message from the Governor notifying that he had this day approved "an act to provide for the payment of the expenses of the Legislative Assembly therein named."

Mr. Collins, from the joint committee to wait upon the Governor, reported that the committee had performed the duty assigned them, and that the Governor had informed them that he had no further communications to make to the Legislature.

On motion of Mr. Martin,

**Ordered,** That the Secretary inform the House of Representatives that the Council have disposed of the business before them, and are now ready to adjourn.

Messrs. Whiton and                      were announced as a committee from the House of Representatives, who informed the Council that the House was now ready to adjourn.

On motion of Mr. Collins, (Mr. Rountree in the chair,)

*Resolved*, That the thanks of this Council are hereby tendered to the Hon. James Maxwell for the able, impartial and dignified manner in which he has presided over the deliberations of this body, as its President.

Mr. Collins then moved that the Council do adjourn *sine die*.

And the question being put thereon, it was determined in the affirmative.

The President thereupon rose and returned his acknowledgments to the Council, as follows :

*Gentlemen of the Council*:—In presiding over your deliberations, I have endeavored, as far as I was able, to redeem the pledge I gave you at the commencement of the session ; in the doing which, I have no doubt in many instances, given (though unintentionally) just cause of complaint. But from the very flattering character of the resolution which has just passed the Council by a unanimous vote, I feel assured, that however insufficiently I may have discharged the duties assigned me, my motives have been properly appreciated.

Ever desirous that my conduct should meet the approval of my fellow citizens, it will be amongst my proudest recollections in all future time that I have at this time, and on such an occasion, received the approbation of so select and honorable a portion of them, I would now beg your acceptance of my grateful acknowledgments for the kindness I have received from you whilst in the discharge of my duties, for the generous sympathy you have shown me when called upon for decisions in which your feelings have been deeply interested, but from which you have seldom appealed, more out of a generous regard to my feelings, than to the correctness of my decisions ; and to the Secretary of the Council, for the delicacy and promptitude with which he has assisted the Chair, I tender my sincere thanks.

We are now, Gentlemen, about to terminate an unusually protracted and interesting session ; and although there have been



subjects before the Legislature, involving the most cherished and important rights, eliciting much debate, and exciting intense feelings, yet I am proud to say, that nothing has transpired to disturb the harmony and good feeling which has hitherto characterized the deliberations of the Council ; and although a large portion of the time of the session has been occupied in settling the contested seat in the other branch of the Legislature, it will be seen we have passed numerous bills, resolutions, and memorials, some of which are important in their character and details, and it will remain for the future practical operation of them to determine the applicability and usefulness of our labors.

The difficulty of enacting laws salutary and equal in their operations, to meet the views and wishes of a constituency, composed as ours is, of citizens from almost every State in the Union, as well as from foreign countries, bringing with them as they do, the prejudices of early habits and education, is deeply felt : but with such amendments as will suggest themselves, under their operations, I am confident they will be acceptable to a large majority of them. From the long acquaintance I have with the most of you, I feel convinced you will return to your several homes with the consciousness of having faithfully and honestly discharged your duties, and I will assure you, gentlemen, with the best wishes of your humble servant.

The President thereupon pronounced the Council to be adjourned, *sine die*.

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## **APPENDIX.**

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# APPENDIX.

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## *Document No. 1.*

*REPORT of the Adjutant General, submitted to the Legislative Assembly, at the Session in 1840.*

ADJUTANT GENERAL'S OFFICE, }  
*Mineral Point, W. T. Nov. 30, 1840.* }

His Excellency, HENRY DODGE,

*Governor and Commander in Chief, &c.*

SIR,—It gives me much satisfaction, in making the second annual report from this office, to state that the several General Orders, Nos. 1, 2 and 3, as issued by the Commander in Chief, have been so far obeyed and complied with, as to enable me to detail a complete organization of the militia of the Territory of Wisconsin, with the exception of the returns of the muster rolls of a few companies, and the completion of the staff departments of some of the regiments and separate battalions.

The difficulties attending this organization have been many, and its ultimate success is mainly to be attributed to the prompt compliance with the general orders, by the several regimental, separate battalion, and company officers, and their several returns to this office, as far as they were able accurately to make the same; and those difficulties, although not altogether, as yet, surmounted, will be properly understood, and duly appreciated, when all matters in relation to our vastly extended Territory,

our sparse and scattered population, our want of regular and rapid mail communication, and the unavoidable obstacles always attending the first arrangement of a new system, are taken into consideration.

Previous to the act of the last session of the Legislature, the companies of militia, by the then existing law, were to be formed in conformity with the regulations of the United States army, and consequently could not consist of less than ninety-three each : under the present law, militia companies may consist of not less than forty-five men each, and of course hereafter, a division of the large companies in the several regimental and battalion districts, may be made, suiting the convenience of the citizens, and fully complying with the law. These divisions of large companies can readily be effected by examining the report of the present bounds of company beats ; and the commanding officers of regiments and separate battalions will be enabled to make such change in their limits as may be highly beneficial to the citizen, by rendering the performance of his military duties less burthensome than they are at present.

I shall proceed to detail to your Excellency such an abstract from the documents returned to this office ; as may present as complete a roster of the militia as I am at this time able to make out ; and I am gratified in saying, that there is not much yet to be done, in order that the Adjutant General may report at all times hereafter an accurate and effectual organization of the militia of the Territory.

#### GENERAL STAFF.

HENRY DODGE, Commander in Chief.

PASCHALL BEQUETTE,  
JOHN H. ROUNTREE,  
LORENZO JANES,  
ALEXANDER J. IRWIN,

} Aids de Camp.

**James H. Gentry, Quarter Master Gen.**  
**William R. Smith, Adjutant General,**  
**D. W. Jones, Paymaster General,**  
**Ebenezer Childs, Commissary General,**  
**Bushnel B. Cary, Surgeon General,**  
**Hans Crocker, Judge Advocate General,**  
**Edward McSherry, Military Secretary.**

**FIRST REGIMENT.**

**This regiment includes the county of Iowa.**

**William S. Hamilton, Colonel,**  
**Abner Nichols, Lieutenant Colonel,**  
**Robert W. Gray, Major,**  
**William W. Kane, Adjutant,**  
**Zenas Chandler, Surgeon,**  
**Oliver E. Strong, Surgeon's Mate,**  
**Philip W. Thomas, Paymaster,**  
**Russel Baldwin, Quarter Master.**

**COMPANY A.**—This company includes town No. one, of range No. one east.

**Charles Gear, Captain,**  
**Almon V. Gillett, First Lieutenant,**  
**James Irvine, Second Lieutenant,**

**Total officers, non-commissioned officers and privates, 189.**

**COMPANY B.**—This company includes towns No. one of ranges Nos. two and three east.

**David Southwick, Captain,**  
**Asa White, First Lieutenant,**  
**Jacob Laird, Second Lieutenant.**

**Total officers, non-commissioned officers and privates—no return.**

**COMPANY C.**—This company includes towns No. two, three and four of range No. one east.

Justus de Seelhorst, Captain,

David Seely, First Lieutenant,

George Messersmith, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**COMPANY D.**—This company includes towns Nos. two, three and four of range No. two east, and towns Nos. two and three, and the southern half of town No. four of Range No. three east.

John Ray, Captain,

Joshua Bailey, First Lieutenant,

Elihu Hall, Second Lieutenant.

Total officers, non-commissioned officers and privates, 71.

**COMPANY E.**—This company includes towns Nos. one, two, three and four of ranges four and five east.

William Porter, Captain,

Robert Campbell, First Lieutenant,

Curtis Lamb, Second Lieutenant.

Total officers, non-commissioned officers and privates, 102.

**COMPANY F.**—This company includes town No. five, and the north half of town No. four of range No. three east.

Cromwell Lloyd, Captain,

Amzi W. Comfort, First Lieutenant,

Benjamin Crawford, Second Lieutenant.

Total officers, non-commissioned officers and privates, 113.

**COMPANY G.**—This company includes towns No. five of ranges Nos. one and two east.

Charles F. Legate, Captain,

Orman H. Paddock, First Lieutenant,

William Tyrer, Second Lieutenant.

Total officers, non-commissioned officers and privates, 70.

**COMPANY H.**—This company includes towns No. six, seven and eight of ranges No. one and two east.

———, Captain, (Vacant.)

Jonathan Meeker, First Lieutenant,

Moses Darnell, Second Lieutenant.

Total officers, non-commissioned officers and privates, 27.

**COMPANY I.**—This company includes towns No. six, seven and eight of range No. three east, and towns No. five, six, seven and eight of ranges No. four and five east.

William Jenkins, Captain,

John Messersmith, jr., First Lieutenant,

Jacob Soward, Second Lieutenant.

Total officers, non-commissioned officers and privates.

## SECOND REGIMENT.

This regiment includes the counties of Brown, Manitoowoc, Sheboygan, Fond du Lac, Portage, Marquette and Calumet.

———, Colonel, (Vacant.)

Samuel Ryan, Lieutenant Colonel,

Charles Tullar, Major,

Reed Bartlett, Adjutant,

David Ward, Surgeon,

———, Surgeon's Mate, (Vacant.)

Daniel M. Whitney, Paymaster,

F. F. Hamilton, Quartermaster,

**FIRST COMPANY.**—This company includes all that part of the original county of Brown lying north of town No. twenty-three on the east side of Fox river and Green Bay.

———, Captain, (Vacant.)

William Stewart, First Lieutenant.

David Rice, Second Lieutenant.

Total officers, non-commissioned officers and privates, 102.



**SECOND COMPANY.**—This company includes all that part of the original county of Brown lying between towns No. seventeen and twenty-two, and west of range No. twenty-two, on the east side, and all that part lying south of Apple creek, on the west side of Fox river and Winnebago lake.

Samuel Irvin, Captain.

Alexander Grignor, First Lieutenant.

William Powell, Second Lieutenant.

Total officers, non-commissioned officers and privates, 95.

**THIRD COMPANY.**—will embrace the whole ranges of towns Nos. twenty-two and twenty-three, bounded by Fox river on the west and lake Michigan on the east.

Matthew Washburn, Captain.

Crighton Luce, First Lieutenant.

Joseph L. Schooley, Second Lieutenant.

Total officers, non-commissioned officers and privates, 122.

**FOURTH COMPANY.**—This company includes all that part of the county of Brown lying north of the mouth of Apple creek, on the west side of Fox river and Green Bay.

Josiah Baldwin, Captain.

Daniel W. Hubbard, First Lieutenant.

Lewis Porlier, Second Lieutenant.

Total officers, non-commissioned officers and privates, 92.

**FIFTH COMPANY.**—This company includes all that part of the original county of Brown lying south of Towns No. twenty-two, and east of range No. twenty-one.

Elibu S. Thorp, Captain.

Benjamin C. Trowbridge, First Lieutenant.

Benjamin R. Farmin, Second Lieutenant.

Total officers, non-commissioned officers and privates, 93.

**SIXTH COMPANY.**—This company includes all that part of the

original county of Brown, lying south of towns No. eighteen, and west of range No. twenty-two.

Seymour Wilcox, Captain.

James P. Town, First Lieutenant.

Oscar Pier, Second Lieutenant.

Total officers, non-commissioned officers and privates, 60.

### THIRD REGIMENT.

This regiment includes the counties of Milwaukee and Washington:

———, Colonel, (Vacant.)

John S. Rockwell, Lieutenant Colonel.

John Corbin, Major.

James B. Miller, Adjutant.

A. C. Castleman, Surgeon.

F. C. Pomeroy, Surgeon's Mate.

Levi Blossom, jr. Paymaster.

David Finley, Quarter Master.

FIRST COMPANY.—This company comprises the town of Lake, being townships No. 5 and 6 of range No. 22 east.

John T. Haight, Captain.

William Hale, First Lieutenant.

Morgan L. Burdick, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

SECOND COMPANY.—This company comprises the towns of Mequanigo and Genessee, being townships No. 5 and 6 of ranges No. 17 and 18 east.

Adam E. Ray, Captain.

John M. Wells, First Lieutenant.

Martin Field, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**THIRD COMPANY.**

Jared Crane, Captain.

Royal Tyler, First Lieutenant.

Edgar Masters, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**FOURTH COMPANY.**—This company comprises that portion of the town of Milwaukee contained in townships No. 7 and 8 of range No. 22 east.

Benjamin H. Edgerton, Captain.

Isaac T. Brown, First Lieutenant.

Woodbury S. Field, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**FIFTH COMPANY.**—This company comprises the town of Kin-kinnick, Wauwautosa and Greenville, being townships No. 6, 7 and 8, of range No. 21 east.

David Proudfit, Captain.

Thomas D. Hoyt, First Lieutenant.

Hiram Burdick, Second Lieutenant.

Total officers, non-commissioned officers and privates, 155.

**SIXTH COMPANY.**—This company comprises the town of Summit, being townships No. 7 and 8 of ranges No. 17 and 18 east.

Philip C. Schuyler, Captain.

Charles W. Taft, First Lieutenant.

Morris Foster, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SEVENTH COMPANY.****William M. Dennis, Captain.****Simeon E. Boomer, First Lieutenant.****John Richards, Second Lieutenant.****Total officers, non-commissioned officers and privates—no return.****FOURTH REGIMENT.****This regiment includes the counties of Racine and Walworth.****Michael Frank, Colonel.****———, Lieutenant Colonel, (Vacant.)****Adjutant, Surgeon, Surgeon's Mate, Paymaster and Quarter Master—no return of appointment made.****FIRST COMPANY.—This company comprises the town of Racine.****Albert G. Knight, Captain.****Elias S. Capron, First Lieutenant.****———, Second Lieutenant, (Vacant.)****Total officers, non-commissioned officers and privates—no return.****SECOND COMPANY.—This company comprises the towns of Rochester and Burlington.****Ira A. Rice, Captain.****Archibald Cooper, First Lieutenant.****Otis L. Whitman, Second Lieutenant.****Total officers, non-commissioned officers and privates—no return.****THIRD COMPANY.—This company comprises the town of Mount Pleasant.****Captain, (Vacant.)****First Lieutenant, (Vacant.)**

**Second Lieutenant, (Vacant.)**

Total officers, non-commissioned officers and privates—no return.

**FOURTH COMPANY.**—This company comprises the town of Southport.

Jacob C. Bloom, Captain.

Albert D. Loomis, First Lieutenant.

———, Second Lieutenant, (Vacant.)

Total officers, non-commissioned officers and privates—no return.

**FIFTH COMPANY.**—This company comprises the towns of Salem and Bristol.

David B. Barnum, Captain.

Charles G. Cotting, First Lieutenant.

Horatio C. Train, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SIXTH COMPANY.**—This company comprises the town of Pleasant Prairie.

Nathaniel Martin, Captain.

Grove W. Willis, First Lieutenant.

Lawrin C. Holt, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SEVENTH COMPANY.**—This company comprises the town of Geneva,

Captain, (Vacant.)

First Lieutenant, (Vacant.)

Second Lieutenant, (Vacant.)

Total officers, non-commissioned officers and privates—no return.

**EIGHTH COMPANY.**—This company comprises the town of Spring Prairie.

Captain, (Vacant.)

First Lieutenant, (Vacant.)

Second Lieutenant, (Vacant.)

Total officers, non-commissioned officers and privates—no return.

**NINTH COMPANY.**—This company comprises the town of Troy.

Urban D. Meacham, Captain.

Egbert C. Wheeler, First Lieutenant.

Hiram Perry, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**TENTH COMPANY.**—This company comprises the town of Delevan.

Hiram Caulkins, Captain,

Ira Utter, First Lieutenant,

Edward Norris, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**ELEVENTH COMPANY.**—This company comprises the town of Elkhorn.

Edward Elderkin, Captain,

True Rand, First Lieutenant,

Perry G. Harrington, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

#### **FIFTH REGIMENT.**

This regiment includes the county of Grant.

James McKenzie, Colonel,

Harvey Pepper, Lieutenant Colonel,

**Robert R. Reed, Major,**

Adjutant, Surgeon, Surgeon's mate, Paymaster, Quartermaster—no return of appointment made.

**COMPANY A: *Plattville*.—**This company includes town No. 3 north of range No. 1 west, and the southern tier of sections in town No. 4 north of range No. 1 west.

**Stephen O. Payne, Captain,**

First Lieutenant (Vacant.)

Second Lieutenant, (Vacant.)

Total officers, non-commissioned officers and privates—no return.

**COMPANY B: *Jamestown*.—**This company includes towns No. 1 and 2, north of range No. 1, west; and town No. 1, north of range No. 2 west; all of town No. 4, north of range No. 2, west, situated east of Big Platte, and fractional township of town No. 2, north of range No. 3, west.

**James C. Campbell, Captain,**

First Lieutenant, (Vacant.)

Second Lieutenant, (Vacant.)

Total officers, non-commissioned officers and privates—no return.

**COMPANY C: *Van Buren*.—**This company includes town No. 2, north of range No. 2 west, west of Big Platte; and town No. 1 north of range No. 3 west.

**William T. Anderson, Captain,**

First Lieutenant, [Vacant.]

Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

**COMPANY D: *Upper Diggings*.—**This company includes town No. 3 north of range No. 2 west; and all of range No. 3

west, except the northern tier of sections; and all of range No. 4 west lying east of Grant river, excepting sections No. 1 and 2. Sylvester Warfield, captain,

First Lieutenant, [Vacant.]

Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

COMPANY E : *Cassville*.—This company includes towns No. 3 and 4, north of range No. 4 west, west of Grant river; and towns No. 4, north of ranges No. 5 and 6 west.

Clovis A. Legrave, Captain,

First Lieutenant, [Vacant.]

Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

COMPANY F : *Lancaster*.—This company includes towns No. 4 north of ranges No. 2 and 3 west; all of range No. 4 west, lying east of Grant river; and the north tier of sections in town No. 3 north of range No. 3, west; also sections No. 1 and 2 in town No. 3, north of range No. 4 west; and town No. 5 north of range No. 3 west.

Isaac Woodward, Captain,

First Lieutenant, [Vacant.]

Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

COMPANY G : *Patch Grove*.—This company includes towns No. 5 and 6 north of ranges No. 4, 5 and 6 west; and towns No. 7 north of ranges No. 4 and 5 west.

John A. Brunson, Captain.

First Lieutenant, [Vacant.]



Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

**COMPANY H : Wingville.**—This company includes towns No. 4, 5, 6, 7, and 8, north of range No. 1, west; towns No. 5, 6, 7, and 8, north of range No. 2 west; towns No. 6, 7, and 8, north of range No. 3 west, excepting the southern tier of sections in town No. 4, north of range No. 1 west.

William S. Booth, Captain,

First Lieutenant, [Vacant.]

Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

#### SEPARATE BATTALION, NO. 1.

This battalion includes the counties of Crawford and St. Croix.

Hercules L. Dousman, Major,  
Barnard W. Brisbois, Adjutant,  
Joseph Moore, Surgeon's Mate,  
Joseph Brisbois, Paymaster,  
Thomas P. Street, Quarter Master.

**FIRST COMPANY.**—This company includes the main or old village of Prairie du Chien, and all the district north of an east and west line running through the Friole Bridge.

William S. Lockwood, Captain,  
John H. Fondoy, First Lieutenant,  
John Mayrand, Second Lieutenant,

Total officers, non-commissioned officers and privates, 107.

**SECOND COMPANY.**—This company includes all the district lying south of an east and west line running through the St. Friole Bridge.

Levi R. Marsh, Captain,  
William Wilson, First Lieutenant,  
Ira B. Brunson, Second Lieutenant.

Total officers, non-commissioned officers and privates—102.

**THIRD COMPANY.**—Allen's Middle Mill on the Menominee River.

Hiram S. Allen, Captain,  
First Lieutenant, [Vacant.]  
Second Lieutenant, [Vacant.]

Total officers, non-commissioned officers and privates—no return.

#### SEPARATE BATTALION, NO. 2.

This battalion includes the counties of Dane, Green and Sauk.

Thomas W. Sutherland, Major,  
Berry Haney, Adjutant,  
Almon Lull, Surgeon's Mate,

Paymaster, } no return of appointment  
Quartermaster, } made.

**FIRST COMPANY.**—Madison, Dane county.

Abel Rasdall, Captain,  
J. T. Wilson, First Lieutenant,  
Adam Smith, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SECOND COMPANY.**—Prairie du Sauk, Sauk county—no return.

#### SEPARATE BATTALION, NO. 3.

This battalion includes the county of Rock.

Daniel Smiley, Major,  
Robert J. Bell, Adjutant.

Surgeon's Mate, Paymaster, Quartermaster—no return of appointment made.

**FIRST COMPANY.—Janesville.**

Gilbert McNought, Captain,  
Charles Hart, First Lieutenant,  
Urias Story, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SECOND COMPANY.—Prairie du Lac.**

Farman Chickering, Captain,  
George W. Ogden, First Lieutenant,  
Isaac T. Smith, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**THIRD COMPANY.—Jefferson Prairie.**

Gerome Yates, Captain,  
Stephen E. Downer, First Lieutenant,  
Ephraim Hildreth, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**FOURTH COMPANY.—Beloit.**

Charles J. Bell, Captain,  
Otis P. Bicknell, First Lieutenant,  
Holland Moore, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

**SEPARATE BATTALION, NO. 4.**

This battalion includes the counties of Jefferson and Dodge.  
William Cutler, Major.

Adjutant, Surgeon's Mate, Paymaster, Quartermaster: no return of appointment made.

No returns of the bounds of companies or the names of company officers, have been received from this separate battalion. Neither has there been any return made from the second separate battalion of the company bounds, or names of company officers in the counties of Green and Sauk.

### MOUNTED VOLUNTEERS.

Commissions have issued from this office to the officers of three new companies of volunteers, namely :

#### IN GRANT COUNTY.

Samuel P. Lewis, Captain.

Andrew McF. Scott, First Lieutenant.

Morris L. Lear, Second Lieutenant.

Total officers, non-commissioned officers and privates—no return.

#### IN JEFFERSON AND DODGE COUNTIES.

Benoni W. Finch, Captian.

Edward V. Foster, First Lieutenant.

Elbridge G. Fifield, Second Lieutenant.

Total officers, non-commissioned officers, and privates—no return.

#### IN IOWA COUNTY.

Thomas L. Shaw, Captain.

Thomas S. Pole, First Lieutenant,

Warren Johnson, Second Lieutenapt.

Total officers, non-commissioned officers and privates, 44, principally residing in town No. one of range No. one east.

The first company of "Wisconsin Dragoons," Iowa county, commanded by Captain John F. O'Neil, is in commission, and according to a return made last year, exhibited an aggregate of 43 rank and file. No return has been received in this office, of the state of the Troop this year, officially, although I have understood that uniforms for thirty six members have been pro-

cured. The supply of sabres and pistols by the General Government, if practicable, would probably insure the raising of mounted volunteer companies. Other volunteer companies have heretofore been organized and commissioned, according to the Registry in this office ; but as no official returns have been made to me, during the last twelve months, with respect to their present state, I am unable to make report of their existing condition. In a frontier country such as our own, mounted volunteers must ever be esteemed as the most efficient force that citizen soldiers can form : and every encouragement towards the organization of such companies, should be given, if practicable, by legislative enactment.

*Arms of the Militia.*—It is greatly to be regretted that the returns of the number of arms in the several companies of the militia of the Territory, should exhibit a deplorable deficiency. As far as I am able to learn, there are no public arms amongst them. It is highly desirable that the quota of public arms and accoutrements for Horse, Rifle, Infantry and Artillery troops, to which the Territory may be entitled from the General Government, should be early supplied. Their distribution under legal restrictions and proper guards as to their preservation, amongst the volunteers and militia, would greatly foster the proper spirit of the citizen soldier in performing his military duties, and give an assurance of the means of safety, in case untoward events, to which a frontier country may necessarily be subject, should unhappily occur.

*Colours and Music.*—Furnishing the respective regiments and separate battalions with their appropriate Stands of Colours, is, I respectfully suggest, a duty of the Territory, as well as a right which the militia may reasonably expect to be granted to them. Annual parades, either for discipline or review, will receive much of their interest from the circumstance of their being held under the displayed Flag of our country. So also it may truly

be said with regard to martial music, that the citizen soldier feels its influence equally with the uninformed volunteer, or the soldier of the regular army. The supply of drums and fifes to the several companies of militia in the Territory, has become very necessary under their late regular organization.

*Books of Discipline.*—Pursuant to the law of the last session of the Legislature, I have distributed one hundred and sixty copies of Cooper's Military Tactics, in proper proportions, amongst the several regiments and separate battalions; the remainder of the two hundred and eighty copies received by me from the Territorial Library, I hold, subject to future proper and legal distribution.

*Printing of the Militia Laws.*—Agreeably to law, I procured Messrs. Welsh & Plowman, in February last, to print one hundred and fifty copies of the militia law, and supplements thereto; and also blank forms of company and regimental returns annexed to the same; the whole done up in pamphlet form. This number was all that was authorized by law to be printed, but I found the same was insufficient for general distribution, and the printers supplied me with one hundred and ninety copies in the whole. One hundred and sixty of these I have distributed amongst the several regiments and separate battalions. I hold the remaining copies subject to legal distribution hereafter.

*Seal of Office.*—In conformity with the provisions of the general militia law, I have procured a seal, with a suitable device thereon, for the Adjutant General's office.

*Expenses of Office.*—By a law of the last session, the sum of one hundred and fifty dollars was appropriated for the current expenses of the Adjutant General's Office. This sum has been paid to me, and on my orders, by the Territorial Treasurer. I will immediately settle my account with the Auditor General for the proper and legal expenditure of the same. The cost of advertising General Orders throughout the Territory during the

last and the present year ; the bills of postage consequent to the receipt of heavy packages of militia returns ; the procuring of the seal of office ; and various expenditures incidental to the organization of the militia, have rendered the expenses of this office heavier than might have been contemplated ; and yet the whole does not exceed one hundred and twenty dollars. With respect to the future expenses of the office, I respectfully suggest that it would be proper and just for me to be authorized to pay all postage debts which may be incurred by officers in the transmission of commissions and especial orders, as well as the postage debts which have already been incurred by them for such purposes.

*Duties of Office.*—Previous to the issuing of General Orders No. 1, of the date of August 1, 1839, with respect to the organization of the militia, the duties of this office were very few. But in consequence of the subsequent general orders, and the extended correspondence in relation to the formation of company bounds in the several regiments and separate battalions, and the returns of names of officers, to this office, for commissions, together with the subsequent returns of the commanding officers of companies, the business of the Adjutant General's office has greatly increased. Some commissions are issued by the commander in chief, and they are scarcely transmitted from this office, when removals, or resignations, or new elections by the people, render the issuing of new commissions necessary. In order that the information of this office should keep pace with the alterations in the regimental, company and staff departments of the militia of the territory, I respectfully suggest, that, in addition to the regular roster, I may be permitted to furnish a book, at the expense of the Territory, in which, at one view, may be seen the names of all militia officers in the Territory, the date of their respective commissions, resignations, deaths or removals, and also the existing state of each company from

year to year. The book commonly called the roster, is not sufficient for this desirable purpose; neither is the form of the roster, as required by law to be kept, adapted to meet the views now suggested. There is no doubt that the duties of the office of the Adjutant General will hereafter increase in a degree commensurate with the increased and daily increasing population of the Territory. Since the first of August, 1839, two hundred and one commissions have been issued by the commander in chief, and transmitted to the respective officers from this office. The correspondence incident to the increased duties of office, will show the necessity of relieving the officers of the militia, as well as the Adjutant General from the burthens of postage alluded to under the head of "Expenses of Office."

*General Government Correspondence.*—The Adjutant General of the army of the United States has forwarded to this office sundry blanks, with a request that they may be filled under authority, showing the existing state of the militia of the Territory. This duty has been performed, and the returns sent to the office of Gen. R. Jones, at Washington. The following is an abstract of the returns, and the general remarks thereon, as forwarded to the Department.

"Brigadier Generals, 1; Adjutant General, 1; Quarter Master General, 1; Aids de Camp, 4; Colonels, 3; Lieutenant Colonels, 4; Majors, 8; Adjutants, 6; Quarter Masters, 4; Paymasters, 4; Surgeons, 3; Surgeon's Mates, 4; Captains, 48; Lieutenants, 40; Ensigns, (2d Lieutenants) 38; Sergeant Major, 1; Quarter Master's Sergeants, 2; Musicians, 2; Bugler, 1; Sergeants, 224; Corporals, 224; Privates 4600: total commissioned officers, 169: total non-commissioned officers, musicians and privates, 5054: aggregate, 5523. Number of Regiments, 5; number of Battalions, 4; number of Companies, 56.——Remarks. The organization of the militia of the Territory has only lately taken place. The militia has not



yet been apportioned into divisions and Brigades. Several of the regiments are not yet full in the compliment of the regimental, staff and company officers. The number of Majors returned comprehends four, who command separate battalions, not yet formed into regiments. The number of Ensigns returned comprehends all those officers who are commissioned as Second Lieutenants. The number of privates returned may not be absolutely correct, as the several company returns have not yet all been received in the Adjutant General's office; but the estimate is formed from data which in a great measure may be considered as correct. The returns of arms, accoutrements and ammunition have only been received from three companies, and those are in the vicinity of Prairie du Chein and Green Bay."

I have the honor to be, with great respect,

Your Excellency's Ob't. Serv't,

W. R. SMITH,

*Adjutant General, Militia of Wisconsin Territory.*

*Document No. 2.*

**AMOUNT OF MONEYS**, appropriated by Congress, for the use of the Legislative Assembly of Wisconsin Territory, since the period of the organization of the Territorial Government, the sums drawn therefrom, the time when drawn, and by whom drawn, and the balance undrawn of said appropriations.

**APPROPRIATIONS.**

In 1836,	\$9,400 00	
1837,	15,730 16	
"	9,750 00	
"	36,765 00	
	—————	62,245 16
1838,	29,625 00	
1839,	25,000 00	
1840,	34,075 00	—————
Total amount appropriated,		\$167,345 16

**EXPENDITURES.**

1836, September 9—To John S. Horner,	9,400 00
1837, March 10—To John Atkinson,	5,000 00
" March 10—To John Atkinson,	4,714 83
" May 7—To Wm. B. Slaughter,	3,124 64
" Oct. 9—To Wm. B. Slaughter,	20,000 00
" Dec. 9—To Wm. B. Slaughter,	5,000 00
1838, February 28—To P. H. Engle,	4,747 56
" May 7—To Wm. B. Slaughter,	1,093 35
" May 21—To Wm. B. Slaughter,	10,000 00
" July 16—To Wm. B. Slaughter,	5,000 00

" Dec. 21—To Wm. B. Slaughter,	10,000	00
1839, April 15—To Moses M. Strong,	15,000	00
" Aug. 9—To Wm. B. Slaughter,	23,090	77
" Oct. 15—To Henry Dodge	350	00
" Oct. 22—To Wm. B. Slaughter,	952	00
" Nov. 12—To Wm. B. Slaughter,	5,927	10
1840, Aug. 15—To Wm. B. Slaughter,	10,000	00
		<hr/> 133,400 25
From which deduct the the following		
Re-payments :		
1838, June 6—By John S. Horner,	20	78
1840, May 25—By Moses M. Strong,	1	50
		<hr/> 22 28
<hr/>		
Total amount of Expenditures,	133,377	97
1839, December 31—Carried to the Surplus Fund,	2,890	69
1840, September 7—Balance of the Appropriations		
this day undrawn,	24,076	50
		<hr/> \$160,345 16
		<hr/> <hr/>

TREASURY DEPARTMENT,  
Register's Office, September 7, 1840. }

T. S. SMITH, *Register.*

Document No. 3.

MILWAUKEE AND ROCK RIVER CANAL.

MILWAUKEE, August 5, 1840.

DEAR SIR—Annexed is a true statement of the Receipts and Expenditures of the Canal Fund since the annual report of the

Board of Commissioners in November last; and also of the amount and character of funds on hand.

Your Obedient Servant,

JOHN H. TWEEDY, *Receiver.*

To His Excellency, the Governor of Wisconsin Territory.

*Accounts of the Receipts and Expenditures of the Milwaukee and Rock River Canal Fund from November 1, 1839, to August 5, 1840.*

### RECEIPTS.

1840, July 6,	
Received on the S. E. 1-4 of sec. 33, T. 8, R. 21,	\$ 10 00
July 14,	
Received on the N. E. 1-4 of sec. 7, T. 7, R. 21,	50 00
July 16,	
Received on the N. E. 1-4 of sec. 31, T. 8, R. 21,	62 00
	<hr/>
	\$242 00

### EXPENDITURES.

1840, Jan. 14, paid Salary of Register,	\$1000 00
" " " " of Acting Commissioner,	1200 00
" Jan. 15, " " of Chief Engineer,	3000 00
" Feb. 24, " " of Receiver,	1000 00
" " " Register's drafts for incidental expenses allowed by Board,	292 43
	<hr/>
	\$6,492 43

### FUNDS ON HAND.

One Treasury Note,	\$527 67
Certificates of Deposit on the Bank of America, N. York,	2200 00
Gold and Silver,	3586 33
	<hr/>
	\$6314 00

*Document No. 4.*

## MILWAUKEE AND ROCK RIVER CANAL.

MILWAUKEE, September 30, 1840.

*To His Excellency* HENRY DODGE.

SIR—By the act approved January 11th, 1840, entitled "An act to amend an act to provide for aiding in the construction of the Milwaukee and Rock River Canal," it is made the duty of the Canal Commissioners, in case a loan shall not be effected on or before the first day of September, A. D. 1840, to apply all money on hand belonging to the canal fund, to the construction of the canal.

Accordingly the Acting Commissioner, under the direction of the Board approved of several contracts for the performance of work near this end of the canal.

The Chief Engineer with an assistant, has been engaged in laying out work, making estimates, &c. ; and a small monthly payment has been made to several contractors on the certificate of the chief engineer.

In accordance with law, we herewith submit a minute report of the Receipts and Expenditures of the canal fund, up to the 30th of September, A. D. 1840.

Your obed't serv'ts

JOHN HUSTIS, *Register.*JOHN H. TWEEDY, *Receiver.*

## RECEIPTS.

1840, September 2,—Received of Sylvanus  
Warren in part payment for the N. E.

1.4 sec. 3, T. 7, R. 8

\$100 00

## EXPENDITURES.

1840, September 27,

Paid Register's check in favor of I. T. Brown for services as Assistant Engineer,	\$22 50
Paid Register's check in favor of I. A. Lapham for services as Chief Engineer,	96 00
Paid Register's check in favor of G. H. Walker for services as Acting Commissioner per ac- count allowed.	50 00
Paid Register's check in favor of Michael Ward on contract, monthly payment,	11 70
Paid Register's check in favor of Griffith Cully & Co. on contract, monthly payment,	54 30
Paid Register's check in favor of Mullen, Branin & Dailey, on contract, monthly payment,	51 30
Paid Register's check in favor of Joseph Wats- ter, on contract, monthly payment,	61 20
	<hr/>
	\$377 60

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*Document No. 5.**ANNUAL REPORT of the Milwaukee and Root River Canal  
Company for the year eighteen hundred and forty, to the Legis-  
lative Assembly of Wisconsin Territory.*

By reference to the memorial of the Canal Company submit-  
ted to the last annual session of the Legislature it will be seen  
that the location of the canal was completed in April 1839, and  
portions of the work put under contract in June following ;

also that one of the contractors (Mr. Pettibone) commenced active operations on his job though from the limited available means then in the hands of the Company it was found necessary to suspend his work in November. The act passed by your honorable body at that session amendatory to the act for aiding in the construction of the canal, authorized the application of "all money which belonged to the canal fund on the first day of September, 1840, or which should thereafter come into the hands of the commissioners in payment of interest on sales of canal lands," &c.; which provision enabled the Company to make a small additional letting of work, which they did on the fifth day of September last, with the understanding that the payments were to be made from the Territorial funds then on hand, together with accruing interest, agreeably to the provisions of the said amendatory act of the last session.

The operation of this amendatory act has been quite beneficial in its results, by enabling the work to actually progress so far as to show its entire feasibility; and any further aid which it may be within the reach of the Legislature to furnish, would speedily be remunerated by benefits conferred on the whole community. The dam across the Milwaukee river, together with about a mile in length of the canal, (extending from the dam to near the point of entrance into the river in town) has been put under contract. Most of these jobs have been commenced, and up to October 31st, work has been done and estimated to the amount of \$1952 00, including the amount done in 1839. It is expected that operations will be commenced on the dam early in the ensuing spring.

The amount of stock subscribed by the stockholders is the full amount authorised by the act of incorporation, as the capital stock of the company, viz: \$100,000; of which there has been paid in on the different instalments eight per cent., except in some few instances which are not yet entirely paid up. The

expenses of the company up to the close of the last quarter, (September 30th,) are \$12,476 76, including all expenses for the random surveys—for obtaining the grant of land—for the final location of the line, and for amount paid for work done.—The officers employed by the company during the present year, are a President of the Board of Directors, whose duty it is to have a general supervision over the affairs of the company and of the canal, and who receives three dollars per day for time actually employed; a Secretary, whose salary is \$200; a Treasurer whose salary is \$100; and an Engineer, who receives eight dollars per day for time actually employed. During the past season the same individual has been employed as Engineer on behalf of the Territory and of the company—and consequently receives but half the amount which would be requisite to pay two officers of the same grade. The amendatory act of the last session has placed the canal on an economical basis, and if the monetary affairs of the country shall mend during the coming season, we may rationally hope to proceed successfully with this favorite enterprise.

The company are sanguine in the belief that with due legislative aid, they can next season complete that portion of the line now under contract—which will bring into use a water power of great value to Milwaukee, and extend the navigation of the river about three miles from the town, or about five miles from the termination of the canal—which will be one-twelfth part of the whole length of the line:—also, it is contemplated, and believed to be entirely practicable, to complete within the next season, between seven and eight miles of the canal at the western termination—which will also afford a fine hydraulic power on Rock river, and open to that market a region of as fine timber land as is to be found in the Territory. This portion of the line is peculiarly feasible and ought to be accomplished as speedily as practicable.



If the amount of the loan now authorised, could be obtained, it would accomplish the work on both these important sections of the line, and give enhanced value to the entire tract of land from one end of the canal to the other.

Owing to the peculiar state of the money market, a loan has not yet been obtained. The difficulties operating against it appear to be, the rate of interest being limited to six per cent.; also, the provision that the bonds cannot be sold below par; and lastly, the provision that the funds must be paid in the city of New York. We would therefore suggest that the law be so modified as to authorize the payment of seven per cent. interest, and that the money may be received at any place wherever the bonds can be negotiated by the agents of the Territory—still requiring the bonds to be sold at par. We would not recommend an increase of interest in future loans, but for the one now authorised of \$50,000, we have no doubt but it would be greatly to the interest of the Territory to secure the loan even at that rate of interest, as the works which would be accomplished by it, would in less than three years yield at least ten per cent. per annum on their cost, besides the great collateral benefits which would be realized by the Territory in the enhanced value of the canal lands—and by the community at large, in the conveniences afforded for business.

We would further suggest for the consideration of the Legislature the propriety of so amending the act incorporating the canal company, as to authorize the construction of wooden locks in such situations as should be deemed advisable by the commissioners, as a means whereby, in some sections of the canal, a very considerable saving can be made in the original cost of the work, without detriment to the canal; and also of the timber on the canal lands, in the hands of the acting commissioner, and of limiting the time of making application for

damages done in the construction of the canal, to one year from the time when such damage was done.

All which is respectfully submitted.

S. JUNEAU, JOHN S. ROCKWELL, W. R. LONGSTREET, J. D. COWLES, LORING DANAY, H. M. HUBBARD.	}	<i>Directors.</i>
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Milwaukee, December 1st, 1840.

### *Document No. 6.*

#### *REPORT of the Committee to examine the Mineral Point Bank.*

TO THE PRESIDENT OF THE LEGISLATIVE COUNCIL  
OF THE TERRITORY OF WISCONSIN :

Your Committee, appointed by a resolution passed 8th August, 1840, to "investigate the state and condition of the Mineral Point Bank and to make report at the next session of the Legislature," do now respectfully report : That we met at Mineral Point on the 18th September, 1840, in pursuance of the foregoing resolution, and addressed the following letter to the Cashier of the Mineral Point Bank :

(COPY.)

*Mineral Point, September 18, 1840.*

SAM'L B. KNAPP, ESQ.

*Cashier of the Mineral Point Bank :*

SIR—The undersigned having been appointed a Committee under Resolution of the Council, passed August 8, 1840, to investigate the state and condition of the Mineral Point Bank, herewith present a copy of the resolutions referred to, prepara

tory to entering upon the discharge of the duties devolving upon them, and respectfully solicit your early attention to the objects of inquiry in the resolutions, and trust you will afford the committee such facilities as will enable them at once to proceed to the discharge of the powers and duties conferred by said resolutions.

Very respectfully, your ob't serv'ts,  
(Signed,) JOHN H. ROUNTREE,  
JAMES MAXWELL,  
WM. BULLEN.

The following is Mr. Knapp's reply to the foregoing letter :

(COPY.)

*Bank of Mineral Point, 18th Sept., 1840.*

Messrs. JOHN H. ROUNTREE, JAMES MAXWELL, and WILLIAM  
BULLEN—Committee.

GENTLEMEN—I have had the honor to receive your note of this date. It will give me pleasure to afford you every facility to make a full, thorough and immediate investigation of the affairs of the Bank of Mineral Point.

I have the honor to be, very respectfully,

Your most ob't serv't,  
(Signed,) SAM'L B. KNAPP, *Cashier.*

Upon the receipt of Mr. Knapp's letter, we proceeded to the Banking House and entered upon the duties assigned us. Mr. Knapp submitted to your committee a statement taken from the books of the Bank, exhibiting the condition of its affairs, which is herewith handed, marked A, and the general and substantial accuracy of which we established by an examination of the books and accounts of the Bank.

Your committee will proceed to report upon the resolutions under which they have acted, taking each section separately,

and in the order as passed by the Legislative Council directing your Committee to inquire into—

1st. "The amount of the capital stock of the Corporation, paid in, or invested according to the provisions of its charter."

It appears by the books of the Bank, and by the testimony of the cashier under oath, that capital stock has been paid in to the amount of 100,000 dollars, agreeably to the provisions of its charter.

2nd. "The value and amount of the real estate of the Bank."

The real estate held by the Bank, consists of 1,600 acres of land situate in the State of Michigan, and valued at 8,000 dollars, and the banking house and lot in Mineral Point, valued by them, with the fixtures, and the engravings, &c. of the Bank at 6,404 84-100 dollars. The property first named, it appears, was taken by the bank at the amount which represents it in the statement, in payment and satisfaction of a debt due to the bank; but your committee can express no opinion as to its actual value. The valuation of the banking house and lot, fixtures, engraved plates, &c., is based upon the actual disbursements for account thereof, and which your committee consider a fair estimate of their value.

3rd. "The shares of the stock held by it, whether absolutely or as collateral security."

The bank does not hold any shares of stock, either absolutely, or as collateral security.

4th. "The debts owing to the corporation, whether from corporations or individuals, and amount due from each, with amount secured by bond and mortgage, or judgment."

The bank owns bills of exchange predicated upon actual shipments of lead, and upon lead ready for shipment (all of which

is under its control) payable in N. York, Boston, and Philadelphia, and maturing as follows, viz :

1840.	October,	\$23,016
"	November,	37,000
"	December,	19,900
1841.	January,	40,850
"	February,	25,710
"	March,	14,481 22
		<hr/> 160,057 22

Bills discounted, held by the Bank amount to, 64,308 12

Of this sum there is due from indi-

viduals, 56,308 12

From the Corporation of Mineral Point, 8,000

---

64,308 12

There is past maturity and unpaid, 54,430 12

Maturing from the 17th Sept. to the

17th Nov. '40, 9,878

---

64,308 12

Secured by one or more endorsements, 29,432 54

Secured by mortgage, 5,950

" collateral note, 147

Without endorsements or other security, 28,778 58

---

64,308 12

Due from Bank of State of Missouri, 1,775 28

" " Galena Branch of State B'k Ills., 796 58

" " overdrawn, 884 77

5th. "Amount of debts owing by the corporation, specifying such as are payable on demand, such as are payable on time, and such as are due to other corporations, and the amount due to each :"

Bank owes by its notes in circulation, \$90,305

Of which are payable on demand, 26,097

Post notes, payable as follows, viz :

1840. September 30,	44,130
“ October 31,	8,500
“ December 31,	20,758
	<u>73,388</u>

Less amount redeemed of vari-  
ous dates included in above  
amount,

9,180
<u>64,208</u>
<u>\$90,305</u>

Time drafts on N. York sold by the Bank, 67,493 39  
and maturing as follows, viz :

1840. November 18,	38,000
“ December 20,	2,393 39
1841. March 31,	27,000
	<u>67,493 39</u>

Due to Sam'l B. Knapp, Pension Ag't, 742 00

“ D. Walter Jones, Receiver, 2,337 70

“ Miners' Bank of Dubuque, 175 89

“ Special deposit of bank notes, 11,592 32

“ Agency in St. Louis, for drafts made  
on the agency in redemption of post  
notes of the Bank, 31,997 87

“ Individual Depositors, 17,414 79

6th. “The amount of claims against the corporation not  
acknowledged by it as debts.”

It appears by the testimony of the Cashier, that there exist  
no disputed claims against the corporation.

7th. "The amount of its notes or bills payable on demand, and those on time, in circulation, the amount of its loans and discounts, and of the specie on hand, and such other matter as may in any manner affect the solvency of the Bank, or may relate to any supposed violation of its charter of incorporation."

The amount of the notes or bills of the bank in circulation, payable on demand or on time, and the amount of its loans and discounts, are embraced in the report upon the 4th and 5th sections of the Resolutions, directing the inquiries of your committee. They beg to refer you to documents marked B., accompanying this Report, for information obtained by them, in relation to the management and affairs of the bank, in the examination, under oath, of Moses M. Strong, Samuel B. Knapp, and Porter Brace.

The cash on hand representing	\$80,537 94
consists of—	
Notes of other Banks,	32,203
Mineral Point corporation issues,	1,494
U. States Treasury drafts on Receiver at Galena,	10,300
Territorial vouchers for disbursements made by the bank on account of ap- propriations by the General Gov- ernment,	22,050 26
Specie,	11,841 75
Cash items,	2,648 93
	<hr/>
	80,537 94

From the foregoing statements, your committee have made the following synopsis, showing what the ability of the bank is to meet its liabilities to the public :

## RESOURCES.

Bills of exchange, secured by shipments of lead,	\$160,057 22
Bills discounted,	64,308 12
Due from Bank State of Missouri,	1,775 28
Notes of other Banks,	33,203 00
U. S. Treasury draft on Receiver at Galena,	10,300 00
Due for disbursements made by the bank, for ac- count of the Territory,	22,050 26
Specie,	11,841 75
Galena Branch Bank,	796 58
	<hr/>
	<b>\$303,382 21</b>

## LIABILITIES.

Circulation,	\$99,305 00
Drafts sold by Bank on N. York on time,	67,493 39
Samuel B. Knapp, Pension Agent,	742 00
D. Walter Jones, Receiver,	2,337 70
Miners Bank, Dubuque,	175 89
Special deposit of Bank notes,	11,592 32
Agency in St. Louis,	31,997 87
Individual depositors,	17,414 79
	<hr/>
	<b>\$222,058 96</b>

This statement exhibits a surplus of \$81,273 25, (after pay-  
all liabilities to the public,) towards representing the amount of  
the capital stock of the corporation.

In the statement from which this surplus results, it will be  
observed that the following items are not included in the assets  
or resources of the Bank, viz :

Real Estate,	\$,800 00
Overdrafts,	884 77
Banking House, fixtures, &c.,	6,404 84
Mineral Point corporation issues,	1,494 00
Cash items,	2,648 93
	<hr/>
	<b>19,432 54</b>



On the other hand, no deduction is made for losses upon discounted paper, &c., which your committee do not feel warranted to estimate at less than \$20,000.

It is deemed proper by your committee to remark, that it appeared there were \$27,400 at the Galena Branch Bank, and \$58,000 at the Bank of the State of Missouri, of the notes of the Bank of Mineral Point, which had been redeemed by the Bank, and were held, subject to the order of Mr. Knapp, and had accordingly been taken out of the amount of the circulation of the Bank. For verification of this fact, your committee were obliged, from the nature of the case to rely entirely upon the affidavit of Mr. Knapp.

The conclusion arrived at by your committee, from the statements furnished by the cashier under oath, and from their own investigation, is, that the corporation has the ability to pay all debts and liabilities.

Your committee would remark, however before they close this Report, that it appeared in testimony of Mr. Knapp, that \$8,000 of the bills of the bank, signed by him as cashier, had been forwarded to Green Bay some time during the last year, for the signature of Mr. Doty, the then President; but that said notes had not been returned to the bank, nor had he seen any of them in circulation;—these bills have not been credited to circulation account, and do not appear upon the Bank's, as indebtedness of the Bank. They would also state, that the item "Notes of other Banks," embrace the sum of \$27,785 in notes of the Bank of Gallipolis, and that these notes came into the Bank on account Sales Bank Stock, and are subject to be returned and other current funds substituted therefor.

Your committee cannot conclude this report, without bearing testimony to the willingness and alacrity manifested by Mr.

Knapp the cashier, and Mr. Brace the teller of the bank, to afford-  
ing your committee every facility in prosecuting their investi-  
gation.

All which is respectfully submitted,

JNO. H. ROUNTREE,

*Chairman of the Committee.*

JAMES MAXWELL,

WILLIAM BULLEN.

Mineral Point, September 25, 1840.

[A.]

*Statement of the affairs of the Bank of Mineral Point, on  
18th Sept. 1840.*

Bills of Exchange, secured by shipments, lead,	\$160,057 22
Bills discounted,	64,308 12
Bank, Missouri,	1,775 28
Cash—Specie, Government drafts,	
due from U. S. Treasury,	\$48,492 01
Notes of other Banks,	29,397 00
Cash Items,	2,648 93
	<hr/>
	80,537 94
Galena Branch Bank,	796 58
Real Estate,	8,000 00
Overdrafts,	884,77
Banking House, Fixtures, Engravings, &c.	6,404 84
	<hr/>
	\$322,764 75
	<hr/>
Capital stock paid in,	\$100,000 00
Circulation,	90,305 00
Time drafts on New-York,	67,493 39
Samuel B. Knapp, Pension Agent,	742 00
Daniel W. Jones, Receiver,	2,337 70

Illinois Bank,	175 89
Special deposits in Bank Notes,	11,592 32
Profits and Loss,	705 79
Accounts in St. Louis,	31,997 87
Individual depositories,	17,414 79
	<hr/>
	\$322,764 75
	<hr/>

SAMUEL B. KNAPP, *Cashier.*

Sworn to before me, at Mineral Point, }  
 Sept. 22d, 1840. }

JNO. H. ROUNTREE,  
*Chairman of Committee.*

[B]

*Testimony of Porter Brace, Moses M. Strong, and Samuel B. Knapp, in relation to the management and affairs of the Mineral Point Bank, and of alleged violations of its charter, at the Banking Room, 22d Sept. 1840.*

PORTER BRACE—SWORN.

Q. (By Mr. Strong.) Are you a teller of this Bank? A. Yes.

Q. When was you appointed?

A. In June, 1838.

Q. By whom was you appointed?

A. By Mr. Knapp. Is not aware that any action of the Directors was had upon the subject, although there may have been.

Q. Did you, before you entered upon your office, give bonds for the faithful performance of your duty? A. No.

Q. Have you ever given any such bond?

A. Have not.

Q. Where did you receive your appointment?

A. Entered upon his office in June, 1838, agreeably to a previous arrangement with Mr. Knapp.

Q. Is there any book of the Bank in which there is kept a record of the transactions of the Board of Directors?

A. Yes.

Q. When was the first meeting of the Board held?

A. Think in June, 1838.

Q. Have the Directors of the Bank since you have been Teller here, held regular meetings at stated times?

A. They have not.

Q. How often in your opinion, since June, 1838, have the Directors of this Bank met? A. Perhaps five or six times.

Q. Have the stock, property and affairs of this Bank been managed and conducted by seven Directors?

A. Cannot answer as to that.

Q. When was the last meeting of the stockholders for election of Directors? A. On the 6th July, 1839.

Q. Who were elected directors at that time?

A. John F. O'Neil, Ebenezer Bingham, D. Walter Jones, Henry D. Stringham, Charles F. Legate, Samuel B. Knapp, and James Morrison.

Q. Have either of these Directors resigned their office.

A. No.

Q. Were the directors sworn before entering upon their duties? A. Yes.

Q. Are all the Directors stockholders in the Bank?

A. Does not know.

Q. Has there ever been a dividend made to the stockholders of the profits of the Bank?

A. Not to my knowledge.

Q. Have the Bank or its officers refused to pay in the legal coin of the United States any of its notes on demand when same were due? A. They have not.

## SAMUEL B. KNAPP—SWORN.

Q. (By Mr. Strong.) Has the Bank dealt directly or indirectly in the buying or selling of lead or shot? Q. It has not.

Q. Has the Bank refused to pay in the legal coin of the United States any of its bills or notes when the same were due and presented for payment? A. It has not.

Q. Was one half of the capital stock paid in, as required by the charter, before the Bank commenced issuing notes?

A. The minutes of the first Board of Directors shew 100,000 dollars of stock to have been paid in, in the mode prescribed by the charter, before the bank commenced operations.

Q. Has the Bank at any time owed an amount by bond, note, or other contract, exceeding twice to amount of capital stock actually paid in? A. It has not.

Q. Have you entered into a bond approved by the Directors for the faithful discharge of your duties as Cashier?

A. Has entered into a bond in the sum of 20,000 dollars, securing good conduct as Cashier of the Bank of Mineral Point. The Bond has never come before the Board formally for approval, but is on file in Bank, and under the control of the Directors.

Q. (By Chairman.) Are all the bills of exchange owned by the Bank based upon shipments of lead; and upon lead under the control of the Bank? A. Yes.

Q. Have the notes of the Bank of Gallipolis been received in the course of your regular business? A. Yes.

Q. Will you exhibit to this committee the stock ledger of the Bank?

A. I decline exhibiting the stock ledger, for the reason that I do not know that it would be agreeable to the principal stockholders to have publicity given to their names as stockholders, but will cheerfully exhibit all other books and papers appertaining to the business and affairs of the Bank.

Q. Are there \$27,000 in the Branch Bank at Galena, & 58,-

000 dollars in Bank of State of Missouri of the bills of this Bank, which have been redeemed by you, and belong to your "cash account," subject to your order? A. Yes.

Q. For what amount are the stockholders, directors and officers indebted for loans made to them by the Bank?

A. Stockholders 18,584 80-100 dollars; Directors, 21-184 dollars; officers 5,159 81-100 dollars.

Q. Are the specie and other funds and assets, exhibited in your statement furnished the committee, and examined by them, bona fide the property of the Bank? A. They are.

Q. Is 22,050 dollars the correct amount of Territorial vouchers, as exhibited in your cash account; and what is the character of the vouchers, and where are they?

A. It is the correct amount. They are vouchers for money paid by me, as fiscal agent for the Territory, to sundry persons, on account of appropriations made by the Legislature of the Territory; and have been forwarded to the United States Treasury Department for payment.

Q. Are any of the overdrafts in your individual accounts secured, and if so, what amount thereof?

A. Have no security therefor except the personal liability of the persons who have overdrawn.

Moses M. Strong, being duly sworn, made the following statement:

Was one of the commissioners appointed by the Legislature to distribute the stock of the Mineral Point Bank. Something like two hundred shares were subscribed by various citizens, and the first instalment paid in specie. Mr. B. L. Webb then subscribed for 1000 to 1400 shares, in his own name and names of other persons, and did not pay any specie for them. He deposited with the commissioners 20,000 dollars or thereabouts, in notes of the Bank of Michigan, and gave his personal obliga-

tion to the commissioners, that the amount should be forthcoming in specie at or before the period of payment of the second instalment. They were accepted by the commissioners in lieu of specie, in payment of his instalment. Mr. James D. Doty subsequently subscribed, in his own name and names of other persons, for about 2,000 shares of the stock; and in payment of first instalment thereon, he gave to the commissioners a certificate of the cashier of the Bank of Wisconsin, that he (Doty) had deposited in that Bank 20,000 dollars in specie. He also gave to the commissioners his personal obligation, and his obligation as director of the Bank of Wisconsin, that the sum of 20,000 dollars in specie should be paid to the commissioners before the second instalment should be called for; which certificate and obligation the commissioners accepted in payment of his first instalment. On the day the second instalments became due (the commissioners delivered over the books and papers in their hands,) before any portion of the second instalment had been paid to them) to the directors who were then elected by the stockholders. I paid to them the instalment upon 8 of my shares, in a draft payable in Boston. The instalments upon the remaining 8 shares allotted to me, were paid in the notes of the Bank of Wisconsin. I do not know in what manner the instalments were paid by the other stockholders. I was at Green Bay, the former residence of Henry T. Stringham, in May last, and learned at that time that said Stringham was not, and had not been for some months, a resident of this Territory. I have received loans at this bank at two different times, of a few hundred dollars, and they were not made by the direction or sanction of the Board of directors. I have frequently been in the Bank within the last two years, and the affairs and concerns of the bank appeared to be managed and conducted exclusively by Samuel B. Knapp and Porter Brace. About 24th April last, I called at the bank in company of the

sheriff of this county, who presented to Mr. Knapp a certified copy of an execution in my favor, against James D. Doty. Mr. Knapp was informed by the sheriff that he wished to levy that execution upon the stock of Mr. Doty. Mr. Knapp was requested by me, in presence of the sheriff, to expose the proper books of the corporation to the officer to enable him to make the levy; but he refused to show any books except that page of the stock ledger which showed my individual account as stockholder, which part of the book showed that I was an original stockholder of 16 shares upon which all the instalments had been paid that had been called for. Mr. Knapp was then requested by me, in presence of the sheriff, to exhibit that part of the book containing the account of Mr. Doty, which he refused to do. Subsequently, on the 16th May, I purchased at sheriff's sale, all the right, title and interest of said Doty in the stock, property and effects of the Mineral Point bank, and on the same day I presented to Mr. Knapp a certificate of such purchase—of which the annexed is a copy—with a request that he would record the same upon the book containing the transfers of the stock of said bank. Mr. Knapp took the certificate for the purpose of ascertaining the propriety of recording it. Afterwards, about the last of June, he returned it to me, saying, that he could not record it upon his transfer book; but if I wished would put it upon his letter book, or let it remain in the bank, which I declined having him do. Mr. Knapp stated that Mr. Doty owned no stock of the bank. About the same time, I asked Mr. Knapp if the directors had ever made any by-laws for the government of the institution. He said they had. I asked him to show them to me, which he refused to do. He stated to me at the same time, if I wished to see any particular by-law that he would furnish me an abstract thereof. I replied I wished to see the whole. On the 25th June I handed Mr. Knapp a note of which the following is a copy :



## COPY.

"MINERAL POINT, June 25th, 1840.

"*Samuel B. Knapp, Esq. acting as Cashier of the Bank of Mineral Point :*

"*SIR*—The 4th section of the act incorporating the Bank of Mineral Point, provides that seven directors shall be elected on the first Monday of July, annually, and that sixty days' notice shall be given of such election in a newspaper printed in the county of Iowa. I have not seen any such notice, and presume that none has been given.

"The 14th section of the same act, provides for the calling of a general meeting of the stockholders, upon notice, specifying the object of the meeting, being given three weeks in a newspaper.

"You are therefore requested to take the necessary steps for having a meeting of the stockholders, for the purpose of electing seven directors of the Bank of Mineral Point, as soon as the same can be done pursuant to law.

"Very respectfully; Yours, &c.

"MOSES M. STRONG."

He declined taking steps to have a meeting of the stockholders for the election of directors.

*Interrogated by Mr. Knapp.*

Q. Did you make an expose of the law to me when you requested an exposition of the transfer book of the bank.

A. I pointed out to you that part of your duty contained in the revised statutes, but did not point out to you that part of your duty contained in the act of incorporation of the bank.

Q. What penalty was imposed upon the cashier by the statute for giving false information to the inquiries propounded.

A. My impression is, that the giving false information subjected the cashier to the penalty of twice the amount of the debt; but a reference to the statute will show with more certainty.

Q. Did not the cashier, with a knowledge of the penalty fully before him, give the sheriff the certificate prescribed by the statute?

A. The caashier did give the sheriff a certificate, but will not say that it was in the express terms prescribed by the statute.

Q. Were the facts stated in that certificate given on the oath of the cashier?

A. He did not, to my knowledge or recollection, make any oath as to the truth of the facts contained in said certificate.

Q. Did any non-compliance with the request of the sheriff by the cashier, infract any clause of the charter of the bank?

A. In my opinion, it was a violation the following provision, contained in the 17th section, viz:

"And upon any execution being levied on any shares in said bank, it shall be the duty of the cashier of said bank to expose the proper book of the corporation to the officer, and to furnish him with a certificate under his hand and in his official capacity, stating the number of shares the debtor holds in said bank, and the amount of dividends due thereon."

Q. Did the sheriff request an exposition of our transfer book?

A. Do not recollect that any request was made except as is above stated.

Q. What sum of money did you pay to form the basis of your claim to ninety thousand dollars of the stock of the Bank of Mineral Point?

A. If allusion is made to my purchase at sheriff's sale, I answer, six dollars.

#### COPY.

Whereas, on the 25th day of April, 1840, I received for collection a writ of *fiery facias*, to me directed, issued on a judgment in favor of Moses M. Strong, against James D. Doty, rendered at the April term, 1840, of the district court for the county

of Iowa, in said Territory, for the sum of one thousand five hundred and eighty-five dollars and fifty-eight cents damages, and eighty-six dollars and fifty-three and a half cents, costs of suit; and whereas, by virtue of said writ of *feri facias*, I did, on the same 25th day of April, levy upon all the right, title and interest of James D. Doty, in the stock, property and effects of the Bank of Mineral Point; and did on the same day fasten up written notices in three public places in the town of Mineral Point, specifying that I should on this 16th day of May, at the court-house in Mineral Point, sell at public auction to the highest bidder, the said right, title and interest of the said Doty in the said stock, property and effects of the Bank of Mineral Point, to satisfy the said writ of *feri facias*; and whereas, I did, on this 16th day of May, 1840, at the court-house in Mineral Point aforesaid, expose the said right, title and interest to sale at public auction to the highest bidder; and whereas, Moses M. Strong, of Iowa county aforesaid, having bid the sum of six dollars for the same, and being the highest bidder for the same, it was struck off to him.

Now therefore, know all men by these presents, that I, James H. Gentry, sheriff of said county of Iowa, by virtue of the premises, have sold and transferred, and do hereby sell and transfer to the said Moses M. Strong, all the right, title and interest of James D. Doty in the stock, property and effects of the Bank of Mineral Point, be the same more or less.

Witness my hand this 16th day of May, A. D. 1840.

JAMES H. GENTRY, *Sheriff*.

MINERAL POINT, May 16, 1840.

I, Stephen Taylor, do hereby certify, that the foregoing is a true copy of the original assignment, which was delivered by Moses M. Strong, in my presence, to Samuel B. Knapp, cashier of the Bank of Mineral Point, with a request that he would re-

cord the same upon the book containing transfers of stock in said bank, which original assignment said Knapp retained for the purpose of taking advice upon the same.

In witness whereof, I have hereunto set my hand and seal this 16th day of May, A. D. 1840.

[L. S.]

S. TAYLOR, *Notary Public.*

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*Document No. 7.*

*REPORT of the Select Committee for the revision of the Joint Rules and Orders of the two Houses.*

The Committee on the part of the Council appointed to act in conjunction with a similar committee appointed by the House of Representatives to report joint rules and orders for the government of the Legislative Assembly during its present session, have directed me to report, that the committee recommend the adoption of the joint rules of the last annual session with the following amendments, (to wit:)

Strike out the last two rules and add the following as the rule 14:

14. Whenever any report of a joint committee, or other document, shall be presented to both Houses of the Legislative Assembly, the House first acting on the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

*REPORT of Select Committee on Standing Rules of the Council.*

The Committee to which was referred the revision of the Standing Rules of the Council, beg leave to suggest the following amendments, and recommend their adoption by the Council:

In the 6th division of the *seventh* rule after the word "considered," insert, "*also Executive business,*" so as to read :

Reports and resolutions may on motion be considered ; also, Executive business.

Strike out rule 14th, and insert new rule, to wit : In presenting a petition, memorial, remonstrance, or other communication, addressed to the Council or Legislative Assembly, the member shall only state the general purport of it.

Insert, next after rule 14th, an additional rule, to wit : A member offering a resolution or an amendment to a bill, resolution or memorial, shall first read the same in his place before presenting it to the President.

In rule 28th, after the words, "Council and," insert, "*those originating in the Council,*" so as to read :

All bills and joint resolutions shall on a second reading be considered in committee of the whole before they shall be acted upon by the Council, and those originating in the Council, before being considered in committee of the whole, shall be printed unless otherwise ordered by the Council.

Insert additional rule next after rule 28 :

Sixty copies of every bill, joint resolution or memorial shall be printed after the second reading, unless otherwise ordered.

Insert additional rule next after rule 35 :

Immediately after the passage of any bill, resolution or other paper, to which the concurrence of the House of Representatives is to be asked, it shall be the duty of the Secretary to transmit the same to that House, and on the concurrence in any bill or other paper of the House of Representatives by the Council

or on the concurrence or disagreement in any vote of the House, it shall also be the duty of the Secretary to notify the House thereof.

Insert additional rule after rule 28th :

No more than three bills originating in the Council shall be committed to the same committee of the whole, and such bills shall be analagous in their nature ; which analogy shall be determined by the President.

All which is respectfully submitted,

CHAS. C. P. ARNDT, *Chairman.*

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*Document No. 8.*

To His Excellency, HENRY DODGE,

*Governor of Wisconsin Territory :*

SIR—The undersigned having been appointed Chief Engineer of the Territory, for the Milwaukee and Rock River Canal, begs leave, in pursuance of law, to submit the following

REPORT :

Contracts were entered into by the Canal Company on the 8th day of September last, for a portion of the Canal (embracing sections No. 55 and 56, near the town of Milwaukee) which were approved by the Acting Commissioner, and the work placed under my supervision. These sections were subdivided into ten smaller jobs, and were let as follows :

Subdivision No. 102, consisting chiefly of excavation, to Michael Ward.

Subdivisions Nos. 3, 4, 5 and 8; and the protection wall, consisting mostly of embankment and a wall of stone, where the

outer edge of the bank falls into the current of the river, Griffith, Culley & Cotton, Contractors.

Subdivision No. 6, consisting of embankment, Mullen, Bra-min & Dailey, Contractors.

Subdivision No. 9, consisting of excavation, Joseph Gass, Contractor.

Subdivisions Nos. 7 and 10, consisting of embankment, Joseph Walster, Contractor.

These contracts were made at such prices as to confirm the opinion expressed in the first annual report of the Chief Engineer, that the cost of the canal will not exceed twelve hundred thousand dollars; and to justify the opinion that it will fall considerably below one million.

This work, as represented on the accompanying map, extends from the upper part of the town, to the site of the last dam across the Milwaukee River, which is to have a head or lift of 12 feet.

No funds having been obtained upon the loan authorized by Congress and by the Legislature of Wisconsin, up to the first day of September, the money now on hand belonging to the "Canal Fund," and the semi-annual interest to become due from purchasers of canal lands, are appropriated by law for the payment of work done under these contracts. The contractors commenced operations immediately, and the amount of work certified to be done up to the 31st day of October, was \$1,697 00.

The dimensions of this part of the canal, as established by the canal company, are as follows: Depth of water, five feet; width at bottom of canal, twenty-six feet; width at surface of water, forty-three and a half feet; height of tow path, eight feet.

It is believed that it would promote the best interests of the

Territory, to authorize the construction of wooden locks in certain cases, where stone would have to be transported a considerable distance over newly formed roads.

All which is respectfully submitted,

(Signed,)

I. A. LAPHAM.

Milwaukee, November 2nd, 1840.

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*Document No. 9.*

*REPORT of the Fiscal Agent of the Territory, in answer to a Resolution of the Council.*

MADISON, Dec. 21, 1840.

HON. JAMES MAXWELL,

*President of the Council :*

SIR :—In answer to the inquiries embodied in a resolution in relation to the Fiscal Agency, passed by the Council on this day, I have the honor to state—that I have received from the Treasury 19,269 38-100 dollars; that I have disbursed 21,200 dollars; that no public moneys remain in my hands; that I can provide means to pay the expenses of the present session of the Legislature; and that I cannot provide means to pay balances due under former appropriations.

The moneys appropriated by Congress for the expenses of our Legislative Assembly, were, in round numbers, 34,400 dollars. They have been disposed of as follows :

RECEIVED.

By S. B. Knapp, F. Agent	19,269 38
By Wm. B. Slaughter, Secretary,	10,000
Remaining in the Treasury,	5,130 62
	<hr/>
	\$34,400



## DISBURSED.

By S. B. Knapp, F. Agent, 21,200 00

A list of my disbursements will be laid before the Council within a few days, with a precise statement of details, which the absence of all my papers precludes at this moment. My statements nevertheless, will be found substantially correct.

The funds drawn by Col. Slaughter, are in deposite in the Bank of Mineral Point, to his own credit, and subject to his checks.

The present fiscal affairs of the Territory may be stated thus in round numbers :

Unpaid appropriations under acts ap-

proved 13th Jan. and Aug. 1840, \$20,000 00

Claimed by Collier and Pettus, 3,000 00

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\$23,000 00

Unexpended appropriations in the hands  
of the Secretary of the Territory, and  
in the United States' Treasury,

15,130 62

Balance of appropriations by the Legisla-  
tive Assembly, beyond the appropria-  
tions by Congress,

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\$7,869 38

I have the honor to be, very respectfully,

Your most obedient servant,

SAM'L B. KNAPP,

*Fiscal Agent, Wisconsin Territory.*

*Document No. 10.**REPORT of the Committee on Territorial Affairs, relative to the completion of the Capitol.*

The Committee on Territorial Affairs, to which were referred : 1st. A resolution to inquire what provisions are necessary to be made for furnishing at the seat of government or elsewhere, suitable buildings for the accommodation of the Legislative Assembly and the officers of the Territory. 2d. A petition and communication relative to the selection of a proper site for the Capitol, if the seat of government should be removed, and, 3d. A bill to provide for the completion of the Capitol at Madison,

Beg leave respectfully to submit the following report : That your committee have had the subject referred to them, under consideration, and in their opinion the best interest of the people of the Territory, and the convenience and accommodation of the Legislative Assembly, as well as of the officers of the Territory, require the immediate completion of the Capitol at the present seat of government. The petition referred to your committee, does not pray for a removal of the Capitol, but asks the Legislature to consider the advantages which Watertown possesses, for a seat of government, *in the event* that a removal of the seat of government should be contemplated by the Legislature. It does not appear that a removal of the seat of government is petitioned for, or even desired by any considerable portion of the people of the Territory, and no measures ought to be adopted by the Legislature, affecting the removal of it, without satisfactory proof that a majority of the people are in favor of the measure. No objections have been urged against the present site, and no

reasons exist in the minds of your committee in favor of a removal, except the present unfinished state of the Capitol, and the want of good accommodations at this place. The present Capitol can be finished easier and sooner than one could be built in any other part of the Territory, and it is highly probable that no other site *would be selected*, that would afford better accommodations than are now to be found at Madison.

The removal of the seat of government *now* would be against good policy, and a breach of good faith to the people who reside and own property here, without the attainment of any important advantage, to the Territory. A frequent change in the policy of the laws, destroys all confidence of the people in Legislative acts, and very much weakens that respect which is so necessary to the administration and observance of them. It appears from the report of the commissioner of public buildings, as well as from an inspection of the building, that it is in a very unsafe and delapidated condition, and that unless it is soon completed or repaired, the expenditure already laid out upon the Capitol, will be wholly lost. The sums that are annually appropriated by the Legislature to pay the salary of the commissioner, the repairs upon the Capitol, and the rent of a room for the Library, would be more than sufficient to pay the interest on the amount of the bonds, the bill referred to your committee, contemplates should be sold.

It is important that a suitable room should be furnished for the Territorial Library, safer from fire and more convenient than the one at present used. It is also important and desirable that rooms should be furnished for the Governor, Secretary, Treasurer and Auditor of the Territory, and the Clerk of the Supreme Court. At present there is no *safe* place for keeping the records of the Territory. Your committee cannot but regret the causes which have hitherto prevented these rooms from being provided, that they have not been provided, furnishes no

reason for longer delay or that the Legislature should seek to provide them elsewhere. The sum necessary to complete the Capitol on the original plan with suitable rooms for the officers of the Territory, has been estimated at seven thousand dollars, and no plan appears so feasible to your committee, as the one proposed in the said bill. Your committee, therefore, recommend the passage of the bill with the amendments made by the committee; and would ask to be discharged from a further consideration of the subject.

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*Document No. 11.*

A majority of the Select Committee, to whom was referred the bond and propositions of Thomas Baylou and others, and the petition of the citizens of Jefferson, in relation to the removal of the Capitol, have had the several matters under consideration, and respectfully submit the following report:

That they deem the security offered in the bond of the citizens of Aztalan totally inadequate, to ensure the performance on the part of the obligors, of the conditions of said bond.

That they deem the public buildings now partly erected at Madison, can be completed at less cost and risk to the Territory than would attend an effort to erect the necessary buildings at any other place upon the plan proposed by the citizens of Aztalan and Jefferson, or others of a similar nature.

That they deem the continued agitation of the subject of a removal of the seat of government as impolitic, and calculated to retard the completion of such appliances as are necessary for the accommodation of the Legislature, and to enable the

public business to be transacted in the most prompt and effectual manner.

And further—that if it be wise in the Legislature to entertain any proposition on this subject, all action should be delayed thereon until such time as all the different sections of the country shall have had an opportunity to make their proposals; conceiving that if the Territory enters into this matter as a business transaction, that the greatest amount of possible benefit should be looked for.

And, finally, the committee think that, as the seat of government has been established by law at Madison, and sanctioned by the people, it would be unjust to remove the Capitol therefrom, until some evidence of the expressed will of the people on the subject has been obtained.

Therefore, Resolved, that the committee be discharged from the further consideration of the subject.

C. J. LEARNED,  
E. BRIGHAM.

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### *Document No. 12.*

The minority of the committee to whom was referred the propositions of the citizens of Aztalan, to build a capitol at that place, provided the seat of government would be removed there-to, beg leave to report, that they have examined the subject and after mature deliberation, have concluded, that, in consequence of the difficulties which seem to have prevented the completion of the capitol at Madison, and the improvement of the town, which will continue for a series of years, the only remedy is a removal of the seat of government to some point where there is

a prospect that proper public buildings will be erected, and where the convenience and comfort of the officers of the Territorial government will be found.

They would therefore recommend that the proposition of the citizens of Aztalan be accepted. 1st. Because the people of the Territory wish to be relieved from the mystery that now hangs over the capitol to their manifest injury and inconvenience.

2d. Because the fiscal concerns of the Territory do not warrant the expenditure of the amount necessary for completing the present building, or of erecting a new building at any other point.

3d. Because Aztalan is situated in a fertile and flourishing country, already occupied by settlers, where all the conveniences and comforts of life can be found, and all the materials for building can be readily obtained, and because it is at, or near the centre of the population of the Territory at this time, and will be for a number of years to come.

4th. Because the Territory will thereby be enabled to encourage education by providing that the present building be given for seminary purposes, for which purpose it can be finished from the means already appropriated to that object.

Your committee would therefore recommend the passage of the following bill, viz: "A bill to remove the seat of government from Madison to the town of Aztalan, in Jefferson county."

The undersigned would not pass over in silence the claims of the town of Jefferson.

This town is situated at the junction of the Rock and Crawfish rivers, one and a half miles below the western termination of the Milwaukee and Rock River Canal; which, when completed, will afford a water power, equal, if not superior to that of any other place in the Territory—there being a lockage of forty-

four feet in its immediate vicinity, with an abundance of water for hydraulic purposes.

It seems, from its peculiar position, to be the natural depot for the surrounding region of country.

It is the seat of justice for the county of Jefferson, and situated within about one mile of its geographical centre; a court-house and jail are now being erected, and are to be completed within the present year.

Territorial and county roads already established, and several authorized to be established, concentrate at this point, and render it easy of access, from every part of the Territory.

Building materials of every description can be obtained at this place in as great abundance, and with as great facility, as at any other place in the Territory; and, it is understood that for beauty of scenery it is unsurpassed.

But the most important consideration is the fact that the lands in its immediate vicinity are the property of the Territory—appropriated for the construction of the Milwaukee and Rock River Canal—and, were the capitol of the Territory located there, those lands would be greatly enhanced in value, and the fund for that important work be thereby greatly increased.

But, as no specifications accompanied the proposals from the citizens of that place, the undersigned does not feel authorized to report a bill for the location of the capitol at that place.

J. R. VINEYARD.

*Document No. 13.*

TREASURER'S OFFICE, }  
 Madison, Feb. 1st, 1841. }

Hon. James Maxwell, President of the Council,

DEAR SIR—I herewith enclose you a letter from the Treasurer of Milwaukee county, stating the condition of the Treasury of that county. The law which authorises five per cent. of the first moneys received by the county Treasurer to be set apart for territorial purposes is thus evaded. Milwaukee, Iowa, and some other counties have never paid a dollar into the Treasury, and from their mode of financiering perhaps they never will.

I would respectfully suggest that the law for creating a territorial revenue be so amended that the amount required to be paid into the territorial treasury be collected in money, or that some steps be taken to secure the creditors of the territory with something better than county orders which are not worth more than from fifty to seventy-five cents on the dollar.

Very respectfully, your obedient servant,

R. L. REAM, *Treasurer, Wis. Territory.*

*Document No. 14.*

The committee on incorporations to whom was referred

No. 19. A bill to create a fund for the benefit of the creditors of certain monied corporations; with instructions to report such amendments as shall make the same conform to the provisions of the safety fund system of the state of New-York, beg



leave to recommend for the adoption of the Council, the following amendments, viz :

Amend sec. 10: Add "s" to the word "commissioner."

Amend sec. 17: Strike out in the first line, the words "one person," and insert "three persons," and strike out the *proviso*.

Amend sec. 18: Strike out in the first line "commissioner or."

Amend sec. 19: Strike out in the first line, the words "commissioner or." Strike out the word "commissioner" in the fourth line, and insert "commissioners, or either of them."

Amend sec. 20: Strike out "commissioner or" in the first and fifth lines.

Amend sec. 28: Insert after the word "Legislature" in the seventh line, the words, "and the monied corporation or corporations subject to the provisions of this act, shall appoint the remaining two, in such manner as may be deemed proper by said corporation or corporations: which commissioners shall hold their office for one year." Add "s" to "commissioner" in eighth line. Strike out "the" in the ninth line, and insert "they." Strike out "him" in the tenth line and insert "them." Strike out "he" in the eleventh line and insert "they."

Amend sec. 29: Add "s" to the word "commissioner," in first line. Strike out "his" in second line, and insert "their." Strike out in same line "he," and insert "they." Strike out "he" in third line, and insert "they." Strike out "his" in fourth line, and insert "their."

Amend sec. 30: Add "s" to the word "commissioner" in first line. Strike out "him" in second line and insert "them." Strike out all between the word "act" in the fifth line and the word "and" in the seventh line. Strike out "him" in the seventh line, and insert "them each."

Amend sec. 31: Strike out "commissioners or" in the fourth line.

Amend sec. 32: Strike out "or commissioners" in second line. Strike out "commissioner or" in fourth line, and insert after the word "commissioners" in the same line "or either of them."

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<i>Bennet, George</i> , elected Transcribing Clerk,	7

## BILLS OF COUNCIL.

- No. 1. Relating to Sheriffs. First and second reading 26 ; proceedings before passage, 34, 35 ; passed Council, 93 ; passed H. of Reps. 179 ; other proceedings, 183, 189 ; approved, 194.
- No. 2. Changing the boundary lines of certain counties. First and second reading, 26 ; proceedings before passage, 34, 35, 36, 37, 44, 47 ; passed Council, 47 ; passed H. of Reps. 103 ; other proceedings, 105, 109 ; approved, 108.
- No. 3. Concerning betting. First and second reading, 26 ; other proceedings, 36, 38 ; negatived, 38.
- No. 4. Supplemental to the act concerning testimony and depositions. First and second reading, 29 ; proceedings before passage, 43, 87, 104, 117, 118, 131, 132, 135, 136 ; passed Council, 137 ; passed H. of Reps. 250 ; other proceedings, 255, 262, 264, 265, 267 ; approved, 266.
- No. 5. To amend the act for assessing and collecting county revenue. First and second reading, 29 ; proceedings before passage, 51, 60.
- No. 6. For the relief of the settlers on the canal lands in the counties of Milwaukee and Jefferson. First and second reading, 34 ; proceedings before passage, 41, 43, 44, 47 ; passed Council, 47 ; passed H. of Reps. 59 ; other proceedings, 59, 60, 63, 64, 65 ; approved, 65.
- No. 7. To provide for the support of illegitimate children. First and second reading, 34 ; proceedings before passage, 60, 65, 67 ; passed Council, 70 ; passed H. of Reps. 231 ; other proceedings, 239, 242, 247 ; approved, 252.
- No. 8. To amend the act establishing the rate of toll for

- grinding. First and second reading, 35 ; proceedings before passage, 48, 49, 83, 84, 87 ; passed Council, 88 ; passed H. of Reps. 128 ; other proceedings, 168, 168, 176, 176 ; approved, 178.
- No. 9. Declaring rivers navigable for certain purposes. First and second reading, 86 ; proceedings before passage, 54, 69, 70 ; passed Council, 70 ; passed H. of Reps. 179 ; other proceedings, 188, 188 ; approved, 194.
- No. 10. To establish a board of education, and the office of superintendent of public schools, and to prescribe their duties. First and second reading, 87 ; proceedings before passage, 54, 86, 96 ; negatived, 120, 121.
- No. 11. To repeal the act relating to interest on contracts. First and second reading, 41.
- No. 12. To provide for laying out and establishing a territorial road from Fort Winnebago to the Plover Portage, on the Wisconsin River. First and second reading, 47 ; proceedings before passage, 54, 58 ; passed Council, 60. To lay out and establish certain territorial roads therein named. (*See bill No. 12.*)
- No. 13. Concerning proceedings in district courts. First and second reading, 47 ; proceedings before passage, 114, 184.
- No. 14. To enlarge the boundaries of Portage county, and for other purposes. First and second reading, 50 ; proceedings before passage, 68, 105, 120, 127, 140, 162, 171, 172, 177 ; passed Council, 177 ; passed H. of Reps. 232 ; other proceedings, 236, 241, 245, 249, 252, 258, 260 ; approved, 263.
- No. 15. To prescribe the number, duties, and compensation of the officers of the Legislative Assembly, and for other purposes. First and second reading, 50 ; proceedings before passage, 71, 72, 73, 74, 75, 76, 87 ; passed C

- cil, 88; passed H. of Reps. 113; other proceedings, 121, 227, 129, 130; approved, 130.
- No. 16. To amend the act to provide for the support of common schools, and for other purposes. First and second reading, 57; proceedings before passage, 37, 96, 99; passed Council, 99; passed H. of Reps. 241; other proceedings, 244, 245, 252, 268, 260; approved, 263.
- No. 17. To amend the several acts of the Territory to authorize the levy and collection of taxes. First and second reading, 58; proceedings before passage, 100, 101, 102, 111, 112, 113, 116, 117, 155, 156, 157, 168, 168; passed Council, 170; indef. postponed by H. of Reps., 191.
- No. 18. For the relief of Josiah Moore. First and second reading 72; other proceedings, 82, 84; passed Council, 88; passed H. of Reps., 108; other proceedings, 105, 109, approved 108.
- No. 19. To incorporate the Fond du Lac Company. First and second reading, 72; proceedings before passage, 114, 133, 135; passed Council, 137; passed H. of Reps., 250; other proceedings, 252.
- No. 20. To amend the act concerning the writ of attachment. First and second reading, 79; proceedings before passage, 96, 105, 106, 109, 108, 109; passed Council, 109, 110; passed H. of Reps., 250; other proceedings, 266, 274; postponed by H. of Reps., 274; after proceedings, 303, 304, 306.
- No. 21. To provide for the compensation of the officers of the Legislative Assembly. First and second reading, 79; proceedings before passage, 89, 90, 93; passed Council, 93; passed H. of Reps., 117; other proceedings, 121, 125, 128, 127, 129, 130; approved, 130.
- No. 22. Regulating suits on bills of exchange and promissory

- notes. First and second reading, 82; proceedings before passage, 102, 103.
- No. 23. To legalize the official acts of Thomas M'Kaig. First and second reading, 87; proceedings before passage, 115, 116; passed Council, 115; passed H. of Reps. 175; other proceedings, 178, 183; approved, 183.
- No. 24. To incorporate the village of Racine. First and second reading, 93; proceedings before passage, 113, 119, 120, 133, 148, 149, 158, 159, 168; passed Council, 170; passed H. of Reps., 185; other proceedings, 192, 193, 203, 210, 216, 221; approved, 221.
- No. 25. To repeal the act concerning costs and fees, and for other purposes. First and second reading, 93; proceedings before passage, 144, 145, 147, 150; negatived, 150.
- No. 26. To restrain pedlars and other persons from trading without license. First and second reading, 93; proceedings before passage, 134, 135, 145; passed Council, 146; passed H. of Reps., 176; other proceedings, 177, 178, 184, 186; approved, 186.
- No. 27. To amend the act concerning grand and petit jurors, and the act to provide for the trial of criminal cases. First and second reading, 100; proceedings before passage 115, 132, 133, 136; passed Council, 137; passed H. of Reps. 179; other proceedings, 183, 188, 195; approved, 194.
- No. 28. Supplemental to the act concerning marriages. First and second reading, 112; proceedings before passage, 139, 150, 166, 168; passed Council, 170; other proceedings, 180, 266, 268, 269.
- No. 29. To amend the act concerning the lien of mechanics and others for the cost of repairs and improvements on real estate. First and second reading, 124, 125; pro-

- ceedings before passage, 140, 161, 162, 168; passed Council, 170; indef. postponed by H. of Reps. 263; after proceedings, 271, 282.
- No. 30. To provide for the appointment of a territorial geologist. First and second reading, 145; other proceedings, 166, negatived, 167.
- No. 31. To remove the seat of government from Madison to the town of Aztalan, in Jefferson county. First and second reading, 146.
- No. 32. To incorporate the trustees of the Prairieville academy. First and second reading, 146; proceedings before passage, 165, 168; passed Council, 170; passed H. of Reps. 261; other proceedings, 264, 265, 267, approved, 286.
- No. 33. To incorporate the Fox and Wisconsin steamboat company. First and second reading, 146; proceedings before passage, 165, 170, 171, 177; passed Council, 178; passed H. of Reps. 237; other proceedings, 238, 239, 242, 247; approved, 252.
- No. 34. To incorporate the stockholders of the bank of Platteville. First and second reading, 159; proceedings thereon, 179; negatived, 179.
- No. 35. To incorporate the Western Mutual Fire Insurance Company at Prairie du Chein, and the Howard Fire Insurance Company of Brown county. First and second reading, 168; proceedings before passage, 234, 235, 239; passed Council, 289; passed H. of Reps. 262; other proceedings, 270, 289, 292; approved, 299.
- No. 36. Relative to trunks, baggage, and other unclaimed personal property. First and second reading, 175; proceedings before passage, 198, 235, 239; passed Council, 239; passed H. of Reps. 277; other proceedings, 283, 289, 292; approved, 299.
- No. 37. To incorporate the Racine Hydraulic Company. First

- and second reading, 186, 187; proceedings before passage, 227, 228, 230; passed Council, 284; passed H. of Reps. 250; indef. postponed by H. of Reps. 277.
- No. 38. To incorporate the village of Plattville. First and second reading, 190; proceedings before passage, 226, 227; passed Council, 227; passed H. of Reps. 250; other proceedings, 253, 263, 270, 271; approved, 286.
- No. 39. To incorporate the trustees of the Milwaukee Educational Institute. First and second reading, 226; proceedings before passage, 234, 238; passed Council, 238; passed H. of Reps. 262; other proceedings, 264, 265, 267; approved, 266.
- No. 40. Limiting the writ of error. First and second reading, 239; proceedings before passage, 239, 240, 280, 282; passed Council, 284, 286; passed H. of Reps. 293, 301, 303, 304, 305; approved, 306.
- No. 41. To provide for the payment of the expenses of the Legislative Assembly therein named. First and second reading, 253; proceedings before passage, 261, 262, 263, 269, 272, 273, 274, 275, 279; passed Council, 279; other proceedings, 294, 295, 296, 297, 298, 300, 301, 302, 303, 306, 307; approved, 306.
- No. 42. Supplemental to the act to incorporate the village of Racine. First and second reading, 264; proceedings before passage, 264; passed Council, 284; passed H. of Reps. 274; other proceedings, 279, 283, 289, 297; approved, 299.

**BILLS OF H. OF REPS:**

- No. 1. To amend the acts concerning justices of the peace. Introduced, 75; First and second reading, 80; proceedings before passage, 96, 174, 222, 223, 224; passed Council, 233; other proceedings, 241, 242.
- No. 3. Concerning county officers in the county of Fond du



- Lac, and for other purposes. Introduced, 37 ; First and second reading, 38 ; proceedings before passage, 47 ; passed Council, 50 ; other proceedings, 56, 64, 65 ; approved, 65.
- No. 4. To divide the town of Whitewater, and to create the town of Richmond. Introduced, 44 ; First and second reading, 57 ; proceedings before passage, 60, 61 ; passed Council, 67 ; other proceedings, 75, 87, 94, 97 ; approved, 104.
- No. 5. To divorce Peter Howard from his wife, and to change the name of said Howard. Introduced, 85 ; First and second reading, 91 ; proceedings before passage, 150, 173, 193, 194, 196, 221, 232, 233 ; passed Council, 233 ; other proceedings, 239, 242, 247 ; approved, 255.
- No. 6. Relating to the time when the laws of the present session shall take effect. Introduced, 44 ; First and second reading, 57 ; proceedings before passage, 68, 70 ; passed Council, 71 ; other proceedings, 74, 76, 82 ; approved, 92.
- No. 7. To create the town of Eagle. Introduced, 44 ; First and second reading, 57 ; other proceedings, 61 ; indef. postponed, 61.
- To create the town of Richmond, in Walworth county, and the town of Eagle, in Milwaukee county, (*See bills No. 4, and No. 7.*)
- No. 16. Relating to fines and forfeitures. Introduced, 75 ; First and second reading, 81 ; proceedings before passage, 94, 120 ; passed Council, 125 ; other proceedings, 132, 180, 182, 186 ; approved, 137.
- No. 17. To amend the act concerning the duties of clerks of the boards of county commissioners. Introduced, 55 ; First and second reading, 57.
- No. 19. To create a fund for the benefit of the creditors of cer-

- tain monied corporations. Introduced, 231; First and second reading, 235; proceedings before passage, 236, 241, 248, 249, 250, 251; passed Council, 253; other proceedings, 273, 280, 281, 293, 299.
- No. 20. To incorporate the village of Southport. Introduced, 119; First and second reading, 122; proceedings before passage, 141, 158, 162; passed Council, 168; other proceedings, 185, 186, 191; approved, 199.
- No. 22. To provide for a special election in the town of Burlington, in Racine county. Introduced, 112; first and second reading, 122; proceedings before passage, 129, 130; passed Council, 131; other proceedings, 136, 137, 142; approved, 144.
- No. 24. Prescribing the tenure of office of certain county officers, and for other purposes. Introduced, 206; first and second reading, 210; proceedings before passage, 220, 242, 243; passed Council, 243; other proceedings, 249, 264, 265, 267; approved 290.
- No. 26. To provide for the punishment of the offence of firing woods and prairies, and to amend the criminal code. Introduced, 117; first and second reading, 122; proceedings before passage, 138, 139; passed Council, 142, 143; other proceedings, 173, 176, 178; approved, 179.  
To amend the act to provide for the punishment of offences against private property. (*See bill No. 26, above.*)
- No. 27. To provide for the completion of the Capitol at Madison. Introduced, 85; first and second reading, 122; proceedings before passage, 142, 143, 150, 151, 152, 153, 159, 160, 161; passed Council, 169, 170; other proceedings, 206, 217, 218, 219, 228, 229, 232, 256, 259, 260, 266, 270, 271; approved, 290.
- No. 29. To amend the act concerning judgments and executions. Introduced, 188; first and second reading, 197; proceed-

- ings, before passage, 225, 285; passed Council, 285; other proceedings, 290, 299, 300, 302, 303; approved, 307.
- No. 30. Regulating trials of the right of property. Introduced, 246; first reading, 255; rejected, 255.
- No. 31. Relative to the duties of the Secretary of the Territory. Introduced, 103; first and second reading, 122; proceedings before passage, 140, 141; passed Council, 142, other proceedings, 144, 148, 152; approved, 156.
- No. 33. To amend the act relating to the duties of auctioneers. Introduced, 117; first and second reading, 122; proceedings thereon, 173; negatived, 173.
- No. 34. To lay out and establish certain territorial roads. Introduced, 161; first and second reading, 184; proceedings before passage, 184, 219; passed Council, 220; other proceedings, 250, 253, 254, 270, 271; approved, 290.
- No. 36. To define the northern boundary of Fond du Lac county, and to establish the line between said county and Winnebago. Introduced, 175; first and second reading, 180; proceedings before passage, 224, 277, 278.
- No. 37. Supplementary to the several acts relating to the Milwaukee and Rock River Canal. Introduced, 175; first and second reading, 177; proceedings before passage, 188, 189, 190, 191; passed Council, 192; other proceedings, 195, 207, 210; approved, 211.
- No. 38. To incorporate medical societies and to promote medical sciences. Introduced, 175; first and second reading, 180; proceedings before passage, 185, 186, 202, 203, 204; passed Council 205; other proceedings, 227, 229, 278, 282, 299, 302, 303; approved, 307.
- No. 39. To organize the county of Winnebago. Introduced, 258; first and second reading, 275; proceedings thereon, 282, 283; negatived, 283.
- No. 40. To organize the county of Calumet. Introduced, 184;

- first and second reading, 197; proceedings thereon, 237; indef. postponed, 237.
- No. 41. To provide for the payment of the expenses of the Legislative Assembly, and for other purposes. Introduced 175; first and second reading, 177; passed Council, 177; other proceedings, 179, 181, 185, 208, 209, 210; 111, 115, 217, 221; approved, 225.
- No. 42. To authorize Aza Clarke to build and maintain a dam across the outlet of Pewaukee Lake. Introduced, 184; first and second reading, 197; proceedings before passage.
- No. 43. To amend the act for assessing and collecting county revenue. Introduced, 191; first and second reading, 197; proceedings before passage, 199, 237; passed Council, 238; other proceedings, 249, 254, 262, 266, 267, 282, 286, 289, 292, 293, 294; approved, 303.
- No. 44. To authorize Samuel H. Farnsworth to build a dam across the Menominee river, and for other purposes. Introduced, 185; first and second reading, 197; proceedings before passage, 200; passed Council, 205; other proceedings, 215, 216, 221; approved 225.
- No. 45. Relating to the duties of the Registers of Deeds of the counties of Sheboygan and Manitowoc. Introduced, 185; first and second reading, 198; proceedings before passage, 202; passed Council, 205; other proceedings, 215, 217, 221; approved 225.
- No. 46. To provide for the government of the several towns in this Territory, and for revision of county government. Introduced, 203; first and second reading 204; proceedings before passage, 206, 207, 208, 210, 212, 213, 214, 222, 233; passed Council, 233; other proceedings, 241, 252, 254, 260; approved, 266.
- No. 47. Supplemental to the act relating to the militia. Introduced, 246; first and second reading, 255; proceedings be-

- fore passage, 256 ; passed Council, 256 ; other proceedings, 262, 264, 265, 267 ; approved, 290.
- No. 49.** To amend the act to change the time of holding courts in the second judicial district. Introduced, 217 ; first and second reading, 220 ; proceedings before passage, 240, 241, 243, 252, 254, 260 ; approved, 266 ;
- No. 53.** To annex a part of the town of Pleasant Prairie to the town of Southport. Introduced 188 ; first and second reading, 198 ; proceedings before passage, 199 ; passed Council, 205 ; other proceedings, 207, 210 ; approved, 211.
- No. 54.** To divide the town of Salem and to establish the town of Warren. Introduced, 217 ; first and second reading, 220 ; proceedings before passage, 246.
- No. 55.** To authorize W. P. Owen and others to build a dam across Rock river, and for other purposes. Introduced, 265 ; first and second reading, 275 ; proceedings before passage, 281 ; passed Council, 282 ; other proceedings, 286, 289, 292 ; approved, 304.
- No. 56.** To change the name of the town of Kinnikinnick. Introduced, 199 ; first and second reading, 204 ; proceedings thereon, 204, 280 ; passed Council, 284, 285 ; other proceedings, 286, 293, 298 ; approved, 307.
- No. 57.** To divide the town of Watertown, in Jefferson county and to establish the town of Union. Introduced, 199 ; first and second reading, 204 ; proceedings before passage, 204, 205 ; passed Council, 205 ; other proceedings, 207, 210 ; approved, 211.
- No. 59.** To authorize the county commissioners of Green county to procure copies of records in Milwaukee and Iowa counties, and to require the Register of Deeds of Milwaukee county to procure copies of certain records from the Register's Office in Brown county. Introduced, 217 ; first and second reading 220 ; proceedings

- before passage, 243, 287, 288; passed Council, 288; other proceedings 293, 303, 304, 305; approved, 307.
- No. 60. Relating to the board of county commissioners of Washington county. Introduced, 262; first and second reading, 275; proceedings before passage, 302; passed Council, 302; other proceedings, 303, 304, 305; approved, 307.
- No. 61. To incorporate the town of Potosi, in Grant county. Introduced, 225; first and second reading, 235; proceedings before passage, 244; passed Council, 244; other proceedings, 260, 265, 267; approved, 290.
- No. 62. To provide for the payment of the unpaid appropriations of the Legislative Assembly. Introduced, 254; first and second reading, 255; proceedings thereon, 260, 261, 264; negatived, 264; after proceedings, 270, 276, 277.
- No. 63. To incorporate the Madison Typographical Society. Introduced, 268; first and second reading, 275; proceedings before passage, 278; passed Council, 279; other proceedings, 286, 289, 292; approved, 304.
- No. 64. In addition to act supplementary to the several acts relative to Milwaukee and Rock River canal. Introduced, 254; first and second reading, 255; proceedings before passage, 256; passed Council, 256; other proceedings, 270, 271; approved, 289.
- No. 65. Relative to the manner of contesting seats in both branches of the Legislative Assembly. Introduced, 231; first and second reading, 235; proceedings thereon, 245, 246.
- No. 66. To authorize the construction of a towing path from the western termination of the Milwaukee and Rock river canal to Jefferson. Introduced, 258; first and second reading, 275; proceedings before passage, 276; passed

- Council, 276 ; other proceedings, 286, 289, 292 ; approved, 304,
- No. 67. Supplementary to the act concerning costs and fees, Introduced, 265 ; first and second reading, 275 ; proceedings thereon, 290 ; indef. postponed, 290.
- No. 69. In relation to courts of equity. Introduced, 263 ; first and second reading, 275 ; proceedings before passage, 291 ; passed Council, 291 ; other proceedings, 292, 293, 298 ; approved, 307.
- No. 71. Supplementary to the acts relating to assessing and collecting county revenue. Introduced, 265 ; first and second reading, 275 ; proceedings before passage, 276, passed Council, 276 ; other proceedings, 303, 304, 305 ; approved, 307.

*Coates, George* elected messenger, 7.

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## MEMORIALS TO CONGRESS OF COUNCIL:

- No. 1. For the confirmation of titles to certain lots in Mil-  
waukee county. Introduced, 40; considered and adop-  
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- No. 2. For the survey and construction of a rail-road from  
Lake Michigan to Mississippi river. Introduced, 51;  
considered and adopted. 56; engrossed, 58; passed H.



of Reps. 103; other proceedings, 105, 106, 109; approved, 108.

No. 3. In behalf of the settlers on the even sections of Canal lands. Introduced, 80; considered and adopted, 86; engrossed, 91; passed H. of Reps. 106; other proceedings, 108, 109; approved, 110.

No. 4. On the subject of the sale of the public lands north of Wisconsin river. Introduced, 116; considered and adopted, 129; passed H. of Reps., 176; other proceedings, 131, 179, 183; approved, 183.

#### OF H. OF REPS :

No. 1. For an appropriation for harbors on western shore of Lake Michigan. Introduced, 56; read, 57; considered and adopted, 68; other proceedings, 79, 85, 92; approved, 94.

No. 2. On the subject of the western boundary line of the Territory. Introduced, 75; read, 81; considered and adopted, 82; other proceedings, 97, 103, 105; approved, 106.

No. 3. For the improvement of certain rivers. Introduced, 75; read, 81; considered and adopted, 85; other proceedings, 92, 94, 97; approved, 104.

No. 4. Concerning pre-emption rights to mineral and other lands. Introduced, 93; read, 122; reported by com., 136; considered, 137; adopted, 138; other proceedings, 144, 148, 152; approved, 158.

No. 5. Relative to school lands. Introduced, 103; read, 122; considered and adopted, 140; other proceedings, 145, 148, 152; approved, 158.

No. 6. For an appropriation to improve the rapids of the Mississippi river. Introduced, 113; read, 122; considered and adopted, 134; other proceedings, 144, 145; approved, 148.

- No. 7: Relative to appropriations for payment of expenses of Leg. Assembly, and of the Courts. Introduced, 175 ; read, 180 ; considered and adopted, 198 ; other proceedings, 211, 224, 225, 226 ; approved, 228.
- No. 8. Relative to changing the organic law. Introduced, 117 ; read, 122 ; considered, 123, 134 ; adopted, 138 ; other proceedings, 144, 164, 176, 230, 231, 232.
- No. 10. To extend the jurisdiction of justices of the peace. Introduced, 106 ; read, 122 ; considered and adopted, 123 ; other proceedings, 129, 130, 132, 136 ; approved, 138.
- No. 12. For the relief of John Hood. Introduced, 175 ; read, 180 ; considered and adopted, 198, 199 ; other proceedings, 207, 208, 210 ; approved, 211.
- No. 13. For an appropriation for the survey of certain roads. Introduced, 175 ; read, 180 ; considered, 181, 182 ; adopted, 182 ; other proceedings, 186, 188, 189 ; approved, 199.

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